



HUMAN RIGHTS OF THE DISABLED

(Based on the United Nations Instruments on Human Rights)

By

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TO THE
UNITED NATIONS

-- CHAMPION OF HUMAN RIGHTS --

PROMOTER OF UNIVERSAL RESPECT FOR FUNDAMENTAL FREEDOMS
AND THE DIGNITY AND WORTH OF THE HUMAN PERSON

CEASELESS CAMPAIGNER FOR SOLVING DELICATE INTERNATIONAL
PROBLEMS OF AN ECONOMIC, SOCIAL, CULTURAL AND HUMANITARIAN
CHARACTER

STAUNCH SUPPORTER OF STABILITY AND WELL BEING NECESSARY FOR
PEACEFUL AND FRIENDLY RELATIONS AMONG NATIONS BASED ON RESPECT
FOR THE PRINCIPLE OF EQUAL RIGHTS AND SELF DETERMINATION OF PEOPLES

REPUTED FOR SUPERB STANDARD SETTING INSTRUMENTS FOR THE
DISADVANTAGED GROUPS SUCH AS CHILDREN, WOMEN, DISABLED PERSONS,
RACIALLY DISCRIMINATED PEOPLE, VICTIMS OF APARTHEID, REFUGEES,
MIGRANTS, COLONIAL PEOPLE AND THOSE SUBJECTED TO TORTURE, INHUMAN
OR DEGRADING TREATMENT AND PUNISHMENT

WITH THE UNITED NATIONS POSITIVE APPROACH, MAGNIFICENT WORK,
SUSTAINED EFFORTS, GREAT VISION, FORESIGHT, DEDICATION AND LEADERSHIP
OF THE HIGHEST ORDER, A NEW ERA OF PEACE AND ALL ROUND WELL BEING
OF SUFFERING HUMANITY HAS DAWNED

THIS BOOK

IS

DEDICATED

IN GREAT ADMIRATION, APPRECIATION, ESTEEM AND GRATITUDE

BOMBAY, 10th December, 1990

A TRIBUTE TO THE UNITED NATIONS

The world, with all its imperfections, has always dreamt of achieving the elusive goal of the perfect. An instance in point is the endeavour of nations to get together and work through the agencies of the United Nations for the common good of mankind in various spheres.

The United Nations symbolizes the oneness of humanity, reaffirming the dignity of man and acknowledging the inter-dependence of different nations upon one another.

Despite the divisiveness in the world, and despite the many conflicts and conflagrations, the world is moving towards a Union, born out of an increasing awareness of the commonality of human needs and interests.

No doubt it is still a world of brutalities. But the historical perspective would make us realize that ours is a perfecting world, though its progress is painfully slow, sometimes by the millimetre.

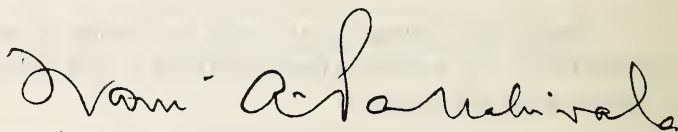
With our incredible scientific progress, we have reached a stage when the only threat to man left to be met, is man himself. In the zoo at Lusaka, there is a cage where the notice reads, "The world's most dangerous animal". Inside the cage there is no animal but a mirror where you see yourself.

One of the main areas on which the United Nations has focussed its unceasing attention is the area of human rights. The greatest single idea which humans have given to humanity is that of individual human rights. The rights of many categories which were not recognized before -- such as the rights of women, children and those who are handicapped physically and economically, have been given due prominence under the banner of the United Nations. This long neglected area of human rights has been brought from footnote to first paragraph status, -- thanks largely to the United Nations !

There are two gleams of hope. First, the concept of human rights, particularly those of the handicapped, has worked its way through the subsoil of human consciousness with speed and strength, and has become one of the great driving forces of our time. But we must be reconciled to the inevitability of gradualness. The slow drip of the United Nations and its various Declarations has begun to work. There have been few documents so elevating as the Universal Declaration of Human Rights 1948. More and more people the world over realize, and realize more clearly, that there should be increased human rights inspections and publicizing of abuses

because, as President Mitterrand said, "Silence nourishes oppression". Secondly, there is a growing solidarity among the nations of the world who believe in freedom. The human rights record of a State has become the legitimate concern of the international community. Today the human rights movement is genuinely worldwide. There is, as Jerome Shestack observed, "a moral inevitability to human rights".

The human race owes a deep debt of gratitude to the United Nations for having awakened it to its moral and legal responsibilities towards the disabled and the handicapped.



Bombay
December 5, 1990

Nani A. Palkhivala

Mr. NANI A. PALKHIVALA, India, is an eminent jurist, constitutional expert, author, industrialist, Chairman of Charitable Foundations, diplomat, leading citizen and above all, an ardent champion of human rights.

H.J.M. Desai

POLITICAL WILL AT THE HIGHEST LEVEL GLOBALLY CAN PROMOTE HUMAN RIGHTS

by

Arvind Narottam Lalbhai

The National Association For The Blind is happy to be associated with the printing of this comprehensive -- and perhaps the first book on Human Rights of the Disabled. Our intention is that the book shall be distributed, free of all costs, to Administrators dealing with rehabilitation of the disabled; International, National, State and Local level Non-Governmental Organizations of the disabled and to leaders in the field of rehabilitation of the disabled the world over.

I am aware that in the last decade or two, the disabled are very much conscious of their human rights. They have been agitating for a Convention on non-discrimination merely on the grounds of disability. I am happy that Capt. H. J. M. Desai has also attempted a draft Convention which could be studied in depth, improved upon and recommended for adoption.

The disabled themselves -- and all of us -- can greatly help in promoting human rights by respecting the rights of others.

Capt. Desai has so far authored several excellent books mainly with an eye on planning and promoting work for the blind and the disabled. He has over 44 years of experience in planning, programming, policy formulation and developing work for the blind in his own country and at the International level. He has held several responsible

positions both at the National and at the International levels. He has taken the initiative in starting and developing the National Association For The Blind and several Institutions and projects in his own country. He has contributed innumerable studied papers on rehabilitation and employment of the disabled. Because of his ceaseless and creative work and advocacy for the blind for over four decades, the Government of India conferred on him the prestigious 'Padma Shri' Award.

John Ruskin has said "When love and skill work together, expect a masterpiece." Capt. Desai has worked all his life for the blind with love and skill. His in depth study, knowledge and experience eminently qualifies him to write on human rights of the disabled.

It is upto all countries to formulate National policies and plans leading to enactment of Legislation for promoting the total rehabilitation and the human rights of the disabled. This can best be done if political will at the highest level obtains at the Federal and State levels in all countries of the world.

I sincerely hope -- and pray -- that with the Non-Governmental Organizations studying the excellent Instruments on Human Rights of the United Nations and its Specialised Agencies, a new era of promoting the concept of human rights of the disabled and their enforcement would dawn.

It is imperative that all countries -- particularly the Third World Countries -- give top priority to promoting human rights legislation on lines similar to those of the excellent United Nations Instruments.

BOMBAY

2nd October, 1990

In this colossal task, I wish all Non-Governmental Organizations, Administrators working for the disabled, leaders in the field of disability prevention and rehabilitation-- and the disabled themselves -- outstanding success.

ARVIND NAROTTAM LALBHAI

President,

National Association For The Blind, India

PREFACE BY THE AUTHOR

Experts opine that only one out of five persons the world over are aware of their fundamental freedoms and basic human rights.

The author is conscious of the fact that neither the Non-Governmental Organizations, working for the Disabled -- nor the disabled themselves -- at least a very vast majority of them -- are familiar with all the excellent standard setting Instruments of the United Nations and its Specialised Agencies. The Administrators dealing with problems of the disabled at the Governmental level, at the level of the District Local Authorities and at various other levels are also not fully familiar with these superb Instruments.

If the concept of Human Rights for the Disabled is to spread, it is imperative that we make available freely to the Non-Governmental Organizations working with the disabled --, and to the disabled themselves -- important human rights Instruments from which they can quote while taking up major policy and planning issues with their Governments and local or other authorities. These Instruments need to be translated into major regional languages.

The official International Year Of Disabled Persons Logo printed on the front cover page represents two people holding hands in solidarity and support of each other in a position of equality. One of them is a disabled person. The other -- a healthy, able bodied person -- lends solidarity and support

on the basis of equality. This concept of solidarity, support and equality can well be extended in promotion of human rights which can best be done by every one respecting the rights of others.

All countries MUST pass legislation on lines similar to the United Nations Human Rights Instruments so as to give legal status and authority for the implementation and enforcement of fundamental freedoms and human rights. Suitable provisions on human rights -- with emphasis on the human rights of the disabled and the disadvantaged groups -- should also be included in the constitutions of all countries.

Whereas the international community and the United Nations have done an excellent job in standard setting, it is recognised that monitoring, implementation and enforcement of Human Rights legislation must necessarily be undertaken by all countries. Even in the Member States of the United Nations, human rights violations and abuses take place frequently. This situation must be remedied early.

It is imperative that on the lines of the European Convention on Human Rights, 1950; the European Court of Human Rights at Strasbourg; the American Convention of Human Rights of 1969, the Inter-American Court of Human Rights at San Jose, Costa Rica and the African Charter on Human and People's Rights proclaimed in Nairobi in June 1981, Regional Conventions are adopted

and Regional Courts of Justice established so as to set up a machinery and ensure the enforcement of the international Instruments on Human Rights. The case law would rapidly develop human rights jurisprudence.

The United Nations Secretary-General Mr. Javier Peres De Cuellar has stated:

“While we have made great steps in elaborating international principles and standards in accordance with the Charter of the United Nations, we have not always been able to put a stop to flagrant violations of human rights.”

He adds : “In short, the world has found that the task of translating principles into performance, in the very sensitive and complex field of human rights, still presents us with a considerable challenge for future action.” We all MUST accept this challenge and work for translating principles into performance and for enforcement of human rights.

The author is conscious that even if a modest beginning is made -- at the highest political level in all countries -- it may take decades -- nay, perhaps centuries -- to ensure full implementation and effective enforcement of all National and International Instruments on Human Rights. But such an exercise is worthwhile as, with the progressive removal of illiteracy and poverty, the spread of education and a sustained campaign for attitudinal changes and creating community awareness, the concept of human rights will gradually spread throughout the globe.

BOMBAY

20th October, 1990

In this stupendous and gigantic task, every country -- nay, every human being -- can and must contribute their mite. All human beings must do their very best to respect the rights of others. Only when **EVERY ONE RESPECTS THE RIGHTS OF OTHERS**, do we contribute in spreading the concept of human rights universally. In this delicate but difficult task, every one can play a role -- no matter howsoever small.

Every little helps. Peter Marshall has so very beautifully said : “Small deeds done are better than great deeds planned.”

Let us hope and pray that the concept spreads rapidly -- and universally -- and that fundamental freedoms and human rights of all human beings, including the disadvantaged groups and particularly the disabled, are promoted globally; the human dignity and the worth of the disabled respected and their total socio-economic rehabilitation promoted.

It is with much pleasure that I dedicate this book to the United Nations. I have no words to adequately express my deep admiration and ceaseless appreciation of the magnificent work done by the United Nations and its Specialised Agencies in promoting International Co-operation, Peace and Human Rights. May the United Nations grow from strength to strength and speedily achieve the laudable objectives enshrined in its Charter. Amen !

H.J.M. Desai

HUMAN RIGHTS OF THE DISABLED

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CHAPTER I

UNITED NATIONS CHAMPION OF HUMAN RIGHTS

Ever since the United Nations Charter came into force on 24th October 1945, the United Nations has consistently been an ardent champion of fundamental freedoms and human rights. There is no parallel to this in the entire human history. The U.N.'s concern for promoting human rights and fundamental freedoms for all is reflected in the United Nations Charter itself and the various superb standard setting Instruments of the U.N. and its Specialised Agencies.

The Preamble to the Charter of the United Nations "reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." The Charter emphasised the need "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". The Charter further affirms that the United Nations will promote "universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion".

For the first time in the history of mankind, the international community -- through the United Nations Charter -- emphasised the concept of human rights and their universal value. The international community of nations recognised, at an international forum, that all members of the human family have equal and inalienable rights and that these be promoted with a view to ensuring international peace and co-operation.

EMPHASIS ON HUMAN RIGHTS

Article 1-3 of the Charter states that the purpose of the United Nations is "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and ensuring respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion".

Article 13 requires the General Assembly to initiate studies and make recommendations for the purpose of "assisting in the realization of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion".

Article 55 directs that the United Nations shall promote "universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion."

Article 62 desires that "The Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all".

Note the words 'humanitarian character' and the word 'all'. Obviously, the intention is to promote, inter alia, the welfare of the disadvantaged groups and rehabilitation of the disabled and to promote their inherent human rights and fundamental freedoms.

Article 68 enjoins upon the Council "to set up commissions in economic and social fields for the promotion of human rights".

Article 71 safeguards the interests of the disadvantaged groups and the disabled also. It states that the Economic and Social Council "may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations, after consultations with the Member of the United Nations concerned."

Thus the Charter itself has, at several places, laid great emphasis on the promotion of fundamental freedoms and human rights. One feels that this was a beginning, howsoever small, of a new era for mankind. One only hopes that in the decades to follow, the concept of human rights will spread universally to the great good of all mankind. Homer has rightly said, "light is the task where many share the toil". If all countries -- nay, all human beings -- respect the human rights of others, the task of achieving the laudable objectives of the United Nations would indeed be light !

INTERNATIONAL CO-OPERATION AND PEACE

We live in an inter-dependent world. We cannot live in isolation. Co-operation is the essence of peaceful co-existence. More than half the population of the globe are today effectively deprived of their fundamental freedoms and basic human rights. All nations must, therefore, work for promoting respect for human rights, for fundamental freedoms, for eliminating discrimination of all sorts and for promoting international co-operation and peace.

The Charter stipulates that one of the most important purpose of the trusteeship system is "to encourage respect for human rights and for fundamental freedoms for all".

The United Nations has always been anxious to "create conditions of stability and well being which are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples."

The Charter enjoins on the Economic and Social Council to "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". Note the word 'all'. There are no exclusions. There can be absolutely **no** discrimination merely on the grounds of **disability** or sex or for any other purpose.

A great responsibility rests on the Economic and Social Council for promoting respect for the dignity and the worth of disabled persons, whatever may be the nature and the extent of their disability. Only when the primary purpose of the United Nations, viz. maintenance of international peace and security is observed and realised, can the human rights and fundamental freedoms of all citizens of the globe be speedily promoted and ensured.

The Constitutions of the "Specialised Agencies of the U.N." also refer to human rights. The UNESCO Constitution enjoins it to further "universal respect for human rights and fundamental freedoms."

BIG FIVE CONFERENCE

The Second World War opened the eyes of the big powers that unless human values were promoted and fundamental freedoms and human rights respected, history can repeat itself. The Dumbarton Oaks

proposals, which included the draft of a Charter of a General International Organization, formulated at the Big Five Conference on 7th October 1944, had the following paragraph on Human Rights :

“With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations, the Organization shall facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms.”

The then President of the United States, Harry S. Truman, in his speech on 25th June 1945 had mentioned

“The Charter is dedicated to the achievement and observance of human rights and fundamental freedoms; unless we can attain these objectives for all men and women everywhere -- without regard to race, language or religion -- we cannot have permanent peace and security.”

Even before the Charter of the United Nations came into force, the international community has, at the highest level, laid great stress on human rights and fundamental freedoms.

ORGANIZATIONS OF THE U.N. PROMOTING HUMAN RIGHTS

The General Assembly, Economic and Social Council, Security Council, Trusteeship Council, International Law Commission, International Court of Justice and the Secretariat are some of the Agencies mainly responsible for promoting and protecting the realisation of human rights and fundamental freedoms.

These Agencies are assisted by the Human Rights Committee; Committee on

the Elimination of Discrimination Against Women, and the Committee on Economic, Social and Cultural Rights. They assist the United Nations in promoting the enjoyment of human rights and fundamental freedoms, without distinction, by every one throughout the world.

Whereas the General Assembly initiates action on the recommendations of Member Countries, for the purpose of assisting in the realisation of human rights and fundamental freedoms, the human rights items originate from the Economic and Social Council or on specific proposals of Member Nations.

In addition to the above main Committees of the General Assembly, is the Social, Humanitarian and Cultural Committee, popularly referred to as the Third Committee. All items relating to human rights are normally referred to this Committee.

The Economic and Social Council initiates “studies and reports with respect to International economic, social, cultural, educational, health and related matters”. It also makes recommendations to the General Assembly” for the purpose of promoting respect for, and observance of, human rights and fundamental freedom for all”. The Functional Commissions prepare draft resolutions and other instruments. The main Functional Commissions are the Commission on Human Rights and the Commission on Status of Women.

COMMISSION ON HUMAN RIGHTS

The Economic and Social Council, at its first session held in London from January 23 to February 18, 1946 adopted, inter alia, the following resolution :

“The Economic and Social Council, being charged under the Charter with the

responsibility of promoting universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, and requiring advice and assistance to enable it to discharge this responsibility, establishes a Commission On Human Rights."

The Commission is truly a body without precedent in the history of international co-operation. Constituting an exclusive Commission on Human Rights at the initial formative stage of the United Nations indicates the importance and priority the international community attached to fundamental human rights.

The Commission established on February 16, 1946 had, as its first President, an eminent champion of human rights--the great lady -- Mrs. Eleanor Franklin Roosevelt.

CENTRE FOR HUMAN RIGHTS

The Secretariat of the United Nations had under it, from 1946 to 1982, the Division of Human Rights. Due to the important contribution which this Division made, the Division was later upgraded and designated as Centre For Human Rights. The Centre operates from Geneva.

The main function of the Centre For Human Rights is the promotion and protection of human rights and fundamental freedoms envisaged in the Charter; preparation of international Conventions on human rights, carrying out research and studies on human rights and preparing reports on the implementation of human rights. In my opinion, the drafting of Conventions is a very major responsibility as these instruments set superb international standards which benefit mankind for all times to come.

DISCRIMINATION AGAINST WOMEN

The Secretariat has also its Branch for the Advancement of Women. This Branch is

located in the U.N.O. International Centre. The Branch provides Secretariat services to the Third Committee referred to earlier. It mainly deals with questions related to the Advancement of Women. It also organises international conferences and seminars relating to the advancement of women.

The Committee on Elimination of Discrimination Against Women implements the Convention on elimination of all forms of discrimination against women adopted by the General Assembly on 18th December 1979. Since approximately 50 per cent of the population of any country are women, and since a very vast majority of them are denied equality and human rights, this Committee has a very important function to perform. Discrimination against women, minly on the ground of sex, still prevails, on a large scale, in many parts of the world.

THE DISABLED -- NEED FOR U.N. CONVENTION

The disabled are equal citizens of their countries. They have the same human rights and fundamental freedoms as any other non-disabled citizen. They must be enabled and assisted to enjoy all basic human rights. The U.N. Charter also emphasises all problems of an humanitarian character and the promotion of social justice.

The United Nations and its Specialised Agencies have issued several excellent Instruments pertaining to the disabled. The U.N. work on standard setting in all important areas touching human beings is of a very high order. It has immensely contributed -- and will continue to contribute -- in promoting the well being of the entire human race. Their application is universal and member countries have to promote legislation on similar lines to spread the concept.

At International and National Conferences, demands have been raised by the disabled that the United Nations should adopt a Convention prohibiting discrimination merely on the ground of disability or physical, mental or sensory impairments. With a view to eliciting the opinion of the disabled themselves -- and the Non-Governmental Organizations working with the disabled -- I have attempted a draft Convention which could be discussed and improved upon. The text is reproduced in one of the Chapters.

If the United Nations, through the Centre For Human Rights and the Security Council, draws up, somewhat on these lines, a Convention urging Member Countries to ensure that there is absolutely no discrimination merely on the ground of disability or impairment, such a Convention should embrace all aspects, including primary health care, minimising the adverse effects of impairment or disability, basic adjustment and rehabilitation, admission to educational and all other training, technical or commercial institutions, making available equal opportunities for employment and self-employment and assisting the impaired or the disabled with appropriate aids and appliances so that the adverse effects of their disability could be minimised to the extent possible and their total rehabilitation, growth and development promoted.

Such a Convention, if adopted by the highest International Agency, would inspire confidence in the disabled and the Member Countries would be motivated to provide adequate social security, especially in respect of those, severity of whose handicap or sufferance from multiple handicaps, makes it difficult for them to lead a normal life or earn an economic living wage. It is imperative that social security measures are developed in countries where they do not exist at present or are minimal and are promoted in economically backward devel-

oping countries -- particularly in the rural areas -- and financed or liberally subsidised.

Most people are not aware of -- and do not appreciate -- the potential of disabled people. Given proper training and equal opportunities for growth and development, the disabled can be equally good workers. We have to see to their residual abilities and not their disabilities.

ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

It is essential that the disabled themselves and especially the Non-Governmental Organizations working for the disabled have a better understanding and appreciation of basic human rights and fundamental freedoms. They should know -- and support -- what the United Nations and its Specialized Agencies are doing to promote and protect these rights.

People who are fully aware of their basic rights stand the best chance of realising them. The disabled must be well informed and must be conscious of their rights. Human rights are inalienable and inviolable. Non-Governmental Organizations need to promote these concepts on a systematic and scientific basis.

Because of illiteracy and lack of adequate knowledge of fundamental freedoms and basic human rights, especially in the third world countries, the disabled are a very vulnerable group. They and their families need to be fully informed and educated. The right to information is fundamental. The disabled and the impaired, their family members and the N.G.Os dealing with disability must be well informed and thus well prepared to fight for and realise their rights. Community awareness needs to be created before the concept and values of human rights are fully appreciated by every one and spread.

KNOW YOUR HUMAN RIGHTS

Every human being is entitled to consideration and respectful treatment, especially those who, because of the gravity of their disability, are wholly or substantially dependent on others.

My humble and earnest appeal to the disabled is **KNOW YOUR HUMAN RIGHTS** -- Know the national and international instruments and the machinery available to realise these rights. Stand up to suppressions, to violations or abuses of fundamental freedoms and basic human rights. This way we can ensure that **HUMAN DIGNITY** of the disabled is increasingly respected even in the backward countries.

FACTORS AFFECTING HUMAN RIGHTS

Human rights are adversely affected by several factors. These include, inter alia, religious fundamentalism, ethnic differences and conflicts, genocide, activities of guerillas, civil wars, trade union militancy, separatist, insurgent and secessionist movements, activities of terrorists, smugglers, repression by police, prison or security forces, illegal drug trade, surveillance and harassment of political prisoners and similar factors.

"Facts do not cease to exist because they are ignored" said Aldous Huxley. The adverse factors affecting human rights cannot and must not be ignored. They need to be faced, firmly tackled and controlled.

VIOLATIONS OF HUMAN RIGHTS

The world over, violations of human rights and fundamental freedoms take place every day. The difference is only one of degree. The violations are most frequent in military dictatorships, in absolute monarchies, in partyless or single party democ-

racies, in democracies where multi-party systems do not obtain, where emergencies are declared, where freedom of the press and the media is not respected and where free and fair elections are not held periodically.

"Men must be decided on what they will NOT do, and then they are able to act with vigour in **WHAT THEY OUGHT TO DO**", said Mencius. We should be firm on not violating human rights. Then alone we can promote them.

In several countries, the right of self-determination is denied to the people. Ethnic unrest, conflicts, military interventions, occupations, use of mercenaries, intolerance, terrorist activities, torture, colonisation, disruptionist, separatist and secessionist activities, foreign domination, subversive activities, imposition of emergencies, extrajudicial killings, preventive detentions, indefinite detention without trial -- all sooner or later lead to flagrant violations and gross abuse of human rights.

Torture, rape, whipping, fetters used on prisoners, imprisonment on religious grounds are all very common, especially during police or prison custody or preventive detention.

Governments have to take steps to monitor police and prison abuses. Strict limits on in-communicado detention, prompt and regular access to lawyers, independent investigations, especially in case of torture, special provisions to protect from sexual and other abuses on women and children in police custody, prohibiting whipping, amputations, stoning and abolition of similar barbaric corporal punishments or mental tortures are some of the essential safeguards necessary. International standards for fair and just trials is essential. Wherever Legislation itself is discriminatory and violates human rights on the basis of religion or sectarian or other

grounds, such legislation needs to be immediately repealed. The best thing Governments can do is to enact national legislation on human rights on the same lines as the excellent instruments of the United Nations.

In many parts of the world, the common people are not free from political imprisonment, inhuman treatment, cruel punishment, torture, slavery, servitude, forced labour, child labour, bonded labour, exploitation, maltreatment, harassment and abuse of women.

RULE OF LAW -- A POLITICAL GAIN

Experts opine that only one out of five persons the world over is aware of his fundamental freedoms and basic human rights. But it must be admitted that human rights have now been receiving more attention world wide than ever before. But a tremendous lot yet remains to be done globally.

The rule of law must be supreme. Maintenance of law and order and ensuring national security necessitates reasonable restrictions on the rights of individuals. Anti-national activities have to be countered in the greater interest of national security, maintenance of law and order and protection of the human rights of the majority of law abiding citizens. A healthy respect needs to be promoted for the rule of law and for the fundamental freedoms and human rights of all others.

There is no justification whatsoever in countries explaining away human rights violations on the grounds of economic and social deprivations and cultural traditions.

Promoting democratic institutions and a free press leads to minimisation of human right violations. Promoting of human rights is positively a political gain. It leads to a healthy respect for the rule of law.

This helps Governments. It minimises violations and human right abuses and makes the maintenance of law and order reasonably easy.

Leo Tolstoy has so very appropriately opined that "the only true pleasure is the pleasure of creative activity". The United Nations has a tremendous record in creative activity. All human right activists can derive the great pleasure of creative activity by substantially promoting human rights.

U.N. INSTRUMENTS ON NON-DISCRIMINATION AND SELF-DETERMINATION

In this handbook, only a few important international instruments of the United Nations which directly concern the disabled are mentioned at some length. The United Nations work in the past 45 years or so has been phenomenal. Among the innumerable human rights instruments may be mentioned the following :

- International Convention on the Elimination of All Forms of Racial Discrimination.
- International Convention on the Suppression and Punishment of the Crime of Apartheid.
- Convention on the Elimination of All Forms of Discrimination Against Women.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The United Nations has also several excellent instruments on the rights of peoples and nations to self-determination. Among them are :

- Declaration on the Granting of Independence to Colonial Countries and Peoples.
- The Principle of Equal Rights and Self-determination of Peoples.
- Provisions in the International Covenants on Human Rights on the Right of Self-Determination.
- Work of the Special Committee on Decolonisation.
- Work of the Trusteeship Council.
- Work of the Specialized Agencies.

There are several important Treaty-Monitoring bodies which do commendable work in their respective areas. It has dealt with major questions relating to the rights of peoples and nations to self-determination. Specific areas such as Southern Rhodesia (Zimbabwe), Palestine, Namibia, Western Sahara, East Timor, Mayotte, and New Caledonia need a special mention.

In addition, the Specialised Agencies of the United Nations, such as the UNESCO have also issued such excellent instruments as the UNESCO Declaration on Race and Racial Prejudices.

The above instruments and several other documents have clearly demonstrated the deep concern of the international community for maintenance of peace, promoting fundamental freedoms and ensuring the enjoyment by all of basic human rights, non-discrimination, self-determination and allied matters.

Whatever the United Nations does needs to be fully backed by creating global community awareness; bringing about change in attitudes and approaches, by wide dissemi-

nation of knowledge and information and by continuously educating the entire humanity in respect of fundamental human rights of others and fully realising -- and honouring -- one's own responsibility for respecting freedoms and human rights of others. The latter is perhaps much more important. Unless this is done, the world would have to face serious problems in the decades to follow. It is, therefore, in the interests of humanity as a whole to promote, to the maximum possible extent, a healthy respect for all human rights concepts -- especially a healthy respect for the RIGHTS OF OTHERS.

STANDARDS SETTING -- U.N. ROLE

The network of international standards in the field of human rights set by the United Nations and its Specialised Agencies is extensive. The standards set are superb. The various Instruments are comprehensive. What is now necessary is that all Member States -- nay, all mankind -- launch sustained public information drives and campaigns and create global community awareness in human rights and fundamental freedoms.

No matter how superb the standards, what really touches the common man is their actual implementation in practice. The standards need to be implemented in toto and on top priority basis. The disabled would also greatly benefit as the international standards are all fully applicable to the disabled. They need to be legally adopted at the national levels and implemented the world over. It is important to create a proper climate as that would greatly accelerate the pace of progress in achieving our goals.

At the national as also at the international level, a well knit comprehensive legal framework needs to be developed. The monitoring work needs to be entrusted to

appropriate and effective agencies. The existing machinery in the field of human rights everywhere needs to be streamlined, strengthened and financially assisted.

Enhancing universal respect for human rights is the prime need to-day if peace is to be achieved in the present disturbed conditions of the world. Universal acceptance of all human right instruments and adopting similar instruments at the national levels can greatly assist in achieving the laudable objectives enunciated in the United Nations Charter.

GUIDELINES FOR STANDARD SETTING AT NATIONAL LEVELS

By its Resolution of 4th December 1986, the General Assembly called upon Member States to accord priority to the implementation of the existing international standards in the field of human rights. The General Assembly further invited Member States and the United Nations bodies to bear in mind the following guidelines in developing human rights instruments. They should, inter alia,

- be consistent with the existing body of international human rights law;
- be of fundamental character and derive from the inherent dignity and worth of the human person;
- be sufficiently precise to give rise to identifiable and practicable rights and obligations;
- provide, where appropriate, realistic and effective implementation machinery; and
- attract broad international support.

Monitoring systems and ensuring

continuous supervision of the realisation of international human rights standards is essential. Abuses and violations of human rights need to be promptly looked into and appropriate remedial and corrective measures taken. For this purpose a proper machinery needs to be evolved, within a good legal framework, at the national level. It must be ensured that every one, without distinction, fully enjoys human rights and fundamental freedoms.

In this stupendous task, human right activists, political activists, lawyers, journalists, trade unionists, social activists, women right activists and similar other groups -- particularly the mass media -- should be alert, should work out legal strategies and help combat social injustices, suppressions, repressions and all other human rights violations and abuses.

PLANNING WELL AHEAD HELPS ONE GET AHEAD

Books on Management Techniques often emphasise that we need to plan ahead, to eliminate blind headlong plunges and to do the hard jobs first. Planning well ahead helps one get ahead. Let us plan on the right lines. Let us plan with a vision. Member Countries have a well thought out, well formulated set of human rights standards in the U.N. Instruments. These need to be adapted to the specific needs of countries and legislation on similar lines enacted at the earliest so as to accelerate progress. Euripides had said "A bad beginning makes a bad ending". Let us plan well ahead and make a good beginning.

National and State level N.G.O.s in the field of the disabled would do well to organise Human Rights Cells in their organizations, be vigilant and fight for the fundamental freedoms and human rights of all citizens, including the disabled everywhere.

HUMAN RIGHTS SACROSANCT

Over the ages, human beings have, in their own way, fought for human rights, fundamental freedoms and for values they held dear. The fight may continue for ages to come. However, the United Nations has done a magnificent job in clearly identifying and setting superb basic human rights standards. It is up to the entire humankind to ceaselessly strive to achieve the objectives set by the United Nations.

The United Nations Secretary General Mr. Javier Peres De Cuellar has, in the preface to the United Nations publication "United Nations Action In The Field Of Human Rights" printed on the occasion of the 40th Anniversary of the Universal Declaration of Human Rights 1948-1988 states :

"The Universal Declaration of Human Rights has clearly earned its place of honour as the basic international code of conduct by which performance in promoting and protecting human rights is to be measured. The International Covenants on Human Rights have added supervisory procedures to control the implementation of the international precepts on human rights."

He further adds :

"While we have made great steps in elaborating international principles and standards in accordance with the Charter of the United Nations, we have not always been able to put a stop to flagrant violations of human rights. Regretably, mass poverty, widespread illiteracy, summary executions, involuntary disappearances and terrorism still occur in various parts of the globe. The struggle to put an end to apartheid continues even after 40 years. In short, the world has found that the task of translating principles into performance, in the very sensitive and complex field of human rights, still

presents us with a considerable challenge for future action".

It will be seen from the above that the Universal Declaration of Human Rights has earned its place of honour as the basic international code of conduct by which performance in promoting and protecting human rights has to be measured. The main task before nations is to "translate principles into performance". This is not an easy task. It may take decades -- nay, centuries - to achieve the laudable objectives and standards spelt out in the excellent U.N. Instruments. All countries - nay, mankind as a whole -- has to make an all out and sustained effort over the decades to achieve basic human rights and fundamental freedoms. This alone can ensure peace, co-operation and development, leading to all round human happiness.

RESPECT THE RIGHTS OF OTHERS

Today, the protection of human rights is not merely an ideal. It is a formal obligation on all countries. In her book "This Troubled World", Mrs. Eleanor Franklin Roosevelt wrote that an individual must concede the same respect to the rights of other individuals as he claims for himself; a principle which should apply equally to the relations between nations."

This great lady was the Chairman of the Drafting Committee which drafted the International Declaration Of Human Rights adopted at the Commission's meeting on June 18, 1948. She contributed much to the realisation of the promise of her distinguished husband Mr. Franklin D. Roosevelt in his FOUR FREEDOMS Message to the Congress of the United States on 6th January 1941.

Every one -- in each country - MUST develop a healthy respect for the human rights of others. We all must practice what we preach.

Mahatma Gandhi, Father of the Indian Nation has so very aptly said: "My experience has shown me that we win justice quickest by rendering justice to the other party. We earn respect if we respect the rights of others."

Perhaps the post United Nations era will be best known for development of human rights jurisprudence. International law of Human Rights is now enforceable. The message of human rights is steadily spreading all over the world. Human

Rights Jurisprudence is now a part of any progressive legal system. The Human Rights record of every country is under the vigilant eye of the international community.

"Light is the task where many share the toil", said Homer. If every one respects the human rights of others and if all countries -- and all of us -- share the task and strive to respect the human rights spelled out in the superb instruments of the United Nations, the task of spreading human rights concepts will indeed be light.

CHAPTER II

HUMAN RIGHTS OF THE DISABLED

How many disabled persons know their basic human rights? The percentage may be high in some of the progressive, developed and industrialised countries. Regrettably, a very vast majority of the disabled in the developing countries of Asia, Africa and Latin America are not even aware of their fundamental freedoms or basic human rights. Has any action been taken to familiarise the disabled in the concepts and values of fundamental freedoms or basic human rights? Regrettably, nothing substantial has been done - either at the national or international level - in this most neglected though very important field.

Even the Institutions and Associations working with the disabled, the Non-Governmental Organisations, the State Officials, the Local Bodies and similar organizations dealing with the disabled are not fully conversant with the excellent instruments of the United Nations and its Specialised Agencies. They are not even familiar with their own countries' Constitution and the articles therein dealing with human rights and fundamental freedoms applicable to all, including the disabled.

It is imperative that we systematically educate, on top priority basis, the disabled, their family members, all concerned with Non-Governmental Organizations, the State and Local level agencies dealing with the disabled - and the community at large - in knowing and respecting - the fundamental freedoms and human rights of the disabled - nay, of the entire population.

The welfare of the disabled requires a multi-sectoral approach. Training them in appreciating their fundamental freedoms and basic human rights is an important aspect, apt to be often overlooked or neglected. It is time this shortcoming is set right.

Human beings need the acceptance and approval of the people with whom they live and work. We all need friendship, understanding and love. The disabled are no exceptions. As Maxim Gorky has beautifully put it "The greatest of delights and the biggest of joys is to know that people need you and to know yourself close to them." We certainly want our disabled friends to know that they are close to us and that we need them, their love, solidarity with them.

I.Y.D.P. 1981

The General Assembly of the United Nations, by Resolution No. 31/1223 of the 16th December 1976, had proclaimed 1981 as the International Year of Disabled Persons. Among the main objectives set forth by the United Nations, one specifically referred to the rights of disabled persons. That objective emphasised "Educating and informing the public of the rights of disabled persons to participate in and contribute to various aspects of economic, social and political life". Needless to say that the disabled have the same rights - civic, political, social, economic, as any other citizen of the country. The theme of I.Y.D.P. 1981 was FULL PARTICIPATION AND EQUALITY. There should

be a global endeavour over the next several decades, to ensure that the laudable objectives of I.Y.D.P. 1981 are fully realised. Unfortunately, not much progress has been made globally though the U.N. Decade For Disabled Persons 1983-1992 is soon coming to a close.

NEED FOR A POSITIVE APPROACH

Human rights are the same for all. No one can be denied these rights merely on the ground of his or her disability or sex or for any other reason whatsoever.

The concept of human rights is often misunderstood. It does not refer only to emergencies declared by the State or repressions practised by Dictators or Governments of some countries. It has not to be viewed from a negative or narrow angle. Human Rights activists should fight against all forms and types of political, economic, cultural or social injustices and/or repressions of any kind and strive for ensuring that the rule of law prevails.

A positive approach should ensure a human being's total freedom and well being. Such an approach should include the right to food, clothing, shelter, preventive and primary health care, medical treatment and assistance, educational and training facilities, job opportunities, social security, the free or substantially subsidised supply of all aids, appliances, etc. leading to rehabilitation, all normal social, political and civil rights enjoyed by all citizens and integration into the community for all purposes.

We must accept the fact that human rights are inter related and inter dependent. All human rights listed in the Universal Declaration of Human Rights must be equally respected. No priorities could be assigned. Every one MUST respect the human rights of every other citizen. We all have

responsibilities as we all have rights. Rights and responsibilities go hand in hand and both have to be appreciated by every one if we have to work for a Better Tomorrow.

Even among the disabled, there are some more disadvantaged groups. Disabled children, women, aged and infirm disabled, rural disabled, disabled tribals, migrants and refugees, the disabled with multiple handicaps, the disabled with very severe or advanced stage of disability, the poor and the socially disadvantaged disabled, all deserve special consideration and assistance from the State and the community.

The more disadvantaged the group, the greater the care the State and the community should exercise to ensure their fundamental freedoms and basic human rights. The State should ensure their medical treatment and nursing, total development, rehabilitation and integration into the community. This is the least we can do to minimise the adverse effects of disability or impairment from which our disabled brethren suffer for no fault of their own.

OTHER INSTRUMENTS OF THE UNITED NATIONS

In addition to the U.N. Instruments On Human Rights discussed in this handbook, there are several other useful instruments, mainly on prevention of disability and the rehabilitation of the disabled. These also touch upon the Human Rights of the Disabled where relevant. The important Instrument are :

- Prevention of Disability and Rehabilitation of Disabled Persons adopted on the 6th May 1975 as per the Economic and Social Council Resolution No. 1921(LVIII).
- Disability Prevention and Rehabilitation adopted on 30th April 1978 as per

- the U.N.D.P. Technical Advisory Note No. 1202.
- Disability Prevention and Rehabilitation adopted by Resolution No. WHA 2968 of 20th May 1976.
 - Disability Prevention and Rehabilitation adopted on May 21, 1980 by the Executive Board of the United Nations Children's Fund.
 - Mental Retardation adopted by the World Health Assembly of the World Health Organization on 28th May 1975.
 - Improving The Situation Of Disabled Women Of All Ages adopted in July 1980 by the World Conference of the United Nations Decade for Women, Equality, Development and Peace.
 - Protocol to the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials adopted on 26th November 1975 by the General Conference of UNESCO.
 - Recommendations for Increased UNESCO'S Action in Special Education Field adopted in November 1975 by the General Conference of UNESCO.
 - Recommendations for Increased UNESCO'S Action in Special Education Field adopted in November 1978 by the General Conference of UNESCO.
 - Orientations and Suggestions adopted on 20 October 1979 at the UNESCO Expert Meeting on Special Education.
 - The Vocational Rehabilitation (Disabled) Recommendation 1955 (No. 99) adopted in June 1983 by the General Conference of the I.L.O.
 - Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons) No. 159 adopted in June 1983 by the General Conference of the I.L.O.
 - Recommendation Concerning Vocational Rehabilitation And Employment (Disabled Persons) No. 168 adopted in June 1983 by the General Conference of the I.L.O.
 - The World Programme of Action Concerning Disabled Persons adopted by the United Nations General Assembly on the 18th February 1983.
- All in the area of work for prevention of disability and for the rehabilitation of the disabled would do well to study these excellent guidelines and be fully familiar with them. As a consequence, they would be able to render much better service to the disabled.
- An in depth study of these Instruments will also greatly help National, State and District level Associations and Organizations of the Disabled to plan their work systematically and to work for promoting the rehabilitation of the disabled and their fundamental freedoms and human rights.
- I would strongly recommend that the Non-Governmental Organizations in the field of rehabilitation of the disabled set up specialist cells to study, in depth, these and allied Instruments and to assist and guide their Executive Boards to formulate their plans, programmes and policies and to set goals and targets. Such measures would greatly accelerate the pace of progress.

WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS

This instrument of the United Nations is perhaps the most comprehensive

and all embracing instrument so far as prevention of disability and the rehabilitation of the disabled is concerned. It is a bible for all who work for or with the disabled. The disabled would also do well to study the World Programme in depth.

The concepts on human rights adopted within the United Nations system figure prominently in the World Programme of Action Concerning Disabled Persons. The Programme re-affirms and emphasises

- the principles of peace, the faith in human rights and fundamental freedoms, the dignity and worth of the human person and the promotion of social justice emphasised in the U.N. Charter;
- the right of all people, without distinction of any kind, to marriage; property ownership; equal access to public service; social and cultural rights enumerated in the Universal Declaration of Human Rights;
- that FULL PARTICIPATION in the basic units of society - family, social groups and community - is the essence of human experience;
- the right of EQUALITY OF OPPORTUNITY for full participation set forth in the Universal Declaration of Human Rights should apply to all people, including those with disabilities;
- that, in reality, disabled persons are often denied the opportunities of full participation in the activities of the socio-cultural system of which they are part and
- the deprivation comes about through physical and social barriers that have evolved from ignorance, indifference and fear.

The World Programme suggests that in drafting national human rights legislation and with respect to national committees or similar co-ordinating national bodies dealing with the problem of disability, particular attention should be given to conditions which may adversely affect the ability of disabled persons to exercise the rights and freedoms granted to their fellow citizens.

It further states

- in considering the status of disabled persons with respect to human rights, priority should be placed on the use of United Nations Covenants and other instruments, as well as those of other international organizations within the United Nations system that protect the rights of all persons;
- the States parties to the International Covenants should pay due attention, in their reports, to the application of the covenants to the situation of disabled persons;
- particular conditions may exist which inhibit the ability of disabled persons to exercise the human rights and freedoms recognised as universal to all mankind;- consideration should be given by the United Nations Commission On Human Rights to such conditions;
- incidences of gross violation of basic human rights, including torture, can be a cause of mental and physical disability;
- the Commission on Human Rights should give consideration, inter alia, to such violations for the purpose of taking appropriate ameliorative action; and
- the Commission On Human Rights should continue to consider methods

of achieving international co-operation for the implementation of internationally recognised basic rights for all, including disabled persons.

FUNDAMENTAL FREEDOMS

The World Programme of Action Concerning Disabled Persons emphasises that to achieve the goals of FULL PARTICIPATION AND EQUALITY,

- rehabilitation measures aimed at the disabled individual are not sufficient;
- experience shows that it is largely the environment which determines the effect of an impairment or a disability on a person's daily life;
- a person is handicapped when he or she is denied the opportunities generally available to the community that are necessary for the fundamental elements of living, including family life, education, employment, housing, financial and personal security, participation in social and political groups, religious activity, intimate and sexual relationships, access to public facilities, freedom of movement and the general style of daily living.

Personnel in the field of rehabilitation of the disabled must endeavour to develop the disabled person in totality and to restore him or her to a high quality of life. The disabled persons urge for equality and for full participation in social life and development has to be recognised and respected. What the disabled need are opportunities equal to those of the whole population and an equal share in the improvement in living conditions resulting from social and economic development and growth.

Rehabilitation should enable an impaired person to reach an optimum mental, physical, social and or functional level, thus providing her or him with the tools to change her or his life.

The late revered Dr. Howard A. Rusk often described as "father of comprehensive rehabilitation" was "the first to recognise, from a professional standpoint, the need to restore people to a high quality of life". All personnel in the field of rehabilitation work must always bear in mind this concept of a high quality of life.

HUMAN RIGHTS OF THE DISABLED

When we consider the human rights of the disabled, due weightage has to be given to all basic rights, including political rights, social and economic rights, civil and family rights and all other rights enjoyed by all fellow citizens.

The American Declaration of Independence of 4th July, 1776 had declared "All men are created equal, they are endowed by their Creator with certain inalienable rights, among these are life, liberty and the pursuit of happiness." The disabled also have the right to life, liberty and pursuit of happiness emphasised over a couple of centuries - way back in 1776 - in the American Declaration of Independence.

The French Declaration On Rights of Man, of 26th August 1789 proclaimed "Men are born and remain free and equal in respect of rights". The Declaration further states: "No one ought to be punished but by virtue of a law promulgated before the offence and legally applied." Article 4 of the French Declaration states: "Liberty consists in the power of doing whatever does not injure another. Accordingly, the exercise of the natural rights of every man has no other limits than those which are necessary to

secure to every other man the free exercise of the same rights." While we are conscious of our human rights, we have the responsibility of respecting the human rights of others." The Declaration had laid great emphasis on the inalienable rights of liberty, property, security and resistance to oppression.

The disabled crave most for the right of EQUALITY.

- Conscious of the fact that Nature has denied to them an important limb or function of the body or mind,
- that the adverse effects of such a denial puts them at a very great initial disadvantage vis-a-vis their able bodied brethren,
- they have always pleaded for the Right to Equality of Opportunities and FULL PARTICIPATION in normal life and integration into the community.

The right to medical and health care, to education, to normal social and cultural life and other rights are all very meaningful to the disabled. But the Right To Work is what they crave for and are most keen on. They do not want to be the recipients of State or family charity all the time. They want to stand on their own legs and be independent, useful and contributive members of society.

James M. Cowan has beautifully emphasised the remedial effects of work. He says "No matter what ails you, work. Work faithfully, work with faith. Work is the greatest remedy available for both mental and physical afflictions." How very apt for the natural urge of the disabled to work !

Discrimination on the basis of disability, sex, religion or race should, therefore, not be tolerated in the present day world and

energetic and effective steps be taken to eliminate all violative and repressive approaches, abuses or practices.

Human rights are the same for all citizens - for every one. The disabled must organise themselves to counter flagrant violations or gross abuse of human rights. They must be fully conscious of the fact that they are equal citizens first and foremost and must enjoy all fundamental freedoms and human rights. Their disability should not come in the way of their enjoying all or any of the rights.

COMPREHENSIVE REHABILITATION

The disabled are with us from times immemorial. With the increase in the life span, the incidence of disability in the aged will be substantially on the increase. The United Nations opines that the number of disabled people in the world today - estimated at 500 million - is likely to double by the turn of the century. The existing rehabilitative services in the world, especially in the developing countries - barely cover even one per cent of the disabled. Those living in the rural areas are denied the benefits of modern advances in rehabilitative practices.

Planning for comprehensive rehabilitation of the disabled is not very easy. Multi disciplinary co-operation is required between various sectors and disciplines - health care, medical, educational, vocational, employment, housing, social rehabilitation and others. Change in community attitudes and approaches to disability related matters have to be planned and systematically promoted. The disabled themselves must have a positive approach. Helen Keller has so beautifully put it "When one door of happiness closes, another opens, but often we look so long at the closed door that we do not see the one which has opened for us." Now that the United Nations has superbly spelled out human rights, the disabled must be alert and

ensure that they are enabled to enjoy the same like any other citizen.

A joint, co-operative and determined effort, persisted over several decades, alone can yield the desired results. Voltaire has said, "Perfection is attained by slow degrees, it requires the hand of time". We have to persevere and aim at perfection. The backlog of centuries of neglect of the disabled - coupled with the increase in disability - may take decades - nay centuries - to catch up with. But we have to make a beginning - howsoever small - set our goals and targets and work towards realising the superb standards set by the international community after prolonged and careful deliberation.

The cardinal principles of national policy should be based on -non-discrimination merely on the grounds of disability, giving equal opportunities to the disabled and making it possible for them to fully participate in the life of the community. We should aim at the total rehabilitation of all Disabled Persons by 2000 A.D., their total development and realization of their full potential.

"Maximum welfare, not maximum population, is our human objective", said Arnold Toynbee. Let our human objective be the maximum welfare of all, particularly of the disabled.

CHAPTER III

DECLARATION ON RIGHTS OF MENTALLY RETARDED PERSONS

Of the more disadvantaged among the disabled groups are the psychiatrically disabled, emotionally disturbed and the mentally retarded children and adults. The disability - or its extent - is not immediately apparent or obvious. The mentally retarded have very special major problems and needs. Their rehabilitation is slow and extremely costly. There are various degrees of mental retardation. Some are mildly or moderately retarded. The most disadvantaged group is the one that suffers from severe mental retardation. Most severely mentally retarded persons would need life-long special care. Some would need custodial care over a length of time.

MODERN ADVANCES

With modern advances in psychopharmaceutic drugs, proper analysis of acute and chronic mental disorders and more accurate diagnostic methods, a revolution in the treatment and care of this group has started. Experts hope to eradicate chronic mental diseases with permanent impairments. In many a country, notably in Italy, mental Institutions are closing down, transferring the patients to hospitals or rehabilitating them with the family members and into the community. This trend needs to be copied in all countries - particularly the developing countries.

The basic needs of the mentally retarded are understanding, acceptance and love not only from parents, family members

and friends but also from co-students, co-trainees, teachers, all members of the multi-disciplinary rehabilitation team and from the society generally. Stimulative therapy greatly helps in their speedy rehabilitation. All concerned have to continually strive - over a period of years - for promoting quality of life for them.

The main worry of parents is who would take care of the mentally retarded child after their deaths. Who would look after and administer their properties? These problems need serious consideration and effective solutions.

NEED FOR EARLY INTERVENTION

Retardation is due to some brain damage or due to arrest of development of the brain. It could also be caused by environmental or genetic factors. Early detection, intervention, stimulation and special education enables the retarded child to learn well simple techniques of daily living. Early detection, intervention, genetic counselling and development through a specialist multi-disciplinary team helps the child to cope with daily living problems. Abnormal behavioural patterns and slow responses need to be corrected by a patient and understanding mother or teacher. Long term supportive counselling of parents helps. The potential of the retarded child should not be underestimated. Our constant endeavour should be to restore as much normalcy as feasible.

The retarded - at least those who have developed - also aspire for Equality of Opportunities. Several of them have the potential of making the grade in various fields, if given a chance. Not many appreciate this potential. Goethe has said: "Treat people as if they were what they ought to be and you help them to become what they are capable of being." How very true!

The psychiatrically disabled and people with mental and emotional disablement and retardation have very special problems and needs. The protection of the individual's human rights and finding the ways in which people with mental disabilities can return to normalcy and to the community pose a variety of problems. Specialists in several fields can help. They should help as a part of their social contribution.

Well trained paramedical and medical staff, case-workers, P.T. instructors, social workers, occupational therapists, recreational therapists, operative rehabilitation staff, psychologists, psychiatric staff, social scientists and others - all can, in their different specialisation, greatly contribute in assisting people with mental disability to return to as much normalcy as permitted by the extent of their disability.

Our endeavour must be to improve their quality of life and promote higher standards of living. Economic security and a decent standard of living must be ensured.

PERSONALISED CARE

Mental and physical dysfunctions of differing degrees complicate the problem, needing in most cases, individualised and personalised attention and care. Patient centred rehabilitation has to be specifically tailored to the needs of every individual. Depression has to be overcome. Aggression has to be minimised. The patient's capacity to interact has

to be studiously developed. Family members have to be taught how to cope with crisis. Knowledge of crisis management is important while dealing with patients. Activity, acceptance and social graces have to be furthered. Solidarity with the group has to be promoted.

Early detection and intervention, physical therapy, medical assistance and care over a long spell of time is a MUST. Educational, vocational and occupational training and rehabilitation follows. All normal facilities be extended to them. Our endeavour should be to make them live and work as much like normal persons as is permitted by their disability. Kind and considerate treatment and above all LOVE can work wonders.

Educational and vocational training programmes should aim at stimulating the residual skills of mentally retarded children and young adults. Stimulation therapy produces the best results. The learning process adopted should be less demanding. The targets set should be capable of achievement. The time-table should be less exacting. More time be earmarked for playing games, recreation, cultural activities, social group meetings, all may assist in speeding up normalcy. Various skills such as self help skills, social skills, skills of communication, cognitive motor skills, social graces be developed by counselling and love. Socialisation helps gradual return to normalcy.

Special education for the school age mentally retarded greatly helps. Day Care Centres - with special emphasis on recreation - help in the socialisation process. Vocational training centres and workshops develop their manual dexterity and hand-foot co-ordination and enable the mentally retarded to do several simple repetitive jobs with skill, giving almost the same productive output and efficiency as normal persons.

WORK THERAPY

Community based programmes, with teams of medical and para-medical staff, social workers and vocational training personnel speed up rehabilitation. Parent counselling and guidance to family members can achieve the best results.

The services to be provided to the mentally retarded must be all embracing and comprehensive. All services which the able bodied need are also needed by the mentally retarded. In addition, their special needs arising out of mental retardation have to be met. It is the duty and the responsibility of the State and community at large to ensure that their special needs are fully met. No effort be spared to develop them and to return them to as much normalcy as possible.

The mentally retarded persons also have the right to economic security and a decent standard of living.

Work therapy can work wonders. The mentally retarded should be occupied. They should be given work which they can do at their own pace. They must work. They must be kept busy encouraged to work faithfully, work with faith. Work is the greatest remedy available for both mental and physical afflictions."

SEVERE MENTAL RETARDATION

Some children have dual disability. They have severe mental retardation and severe motor dysfunction. The main way to solve this problem is to provide medicare in special institutions or in hospital care units or intensive care units in ordinary institutions for the mentally retarded. The children who suffer from severe physical disabilities - non-ambulation and severe mental retardation with IQ below 35 or so need specialised attention from experts in

the field. This group often suffers from serious damage of the central nervous system.

HOME BOUND SERVICES

With the increase in the community based programmes and social awareness, with the spread of information, modern techniques and sound guidance and counselling, a larger number of the severely retarded persons stay at home and avail of the home-bound services. In many countries, excellent sanatoria exist, where the mentally retarded child, together with his or her mother, can spend a holiday or undergo convalescence over a period. These facilities are much needed, greatly appreciated and must be developed in all countries.

MENTALLY ILL

The families of mentally retarded persons work under great strain. Sometimes the mentally retarded persons are additionally affected with problems of mental illness. Health and social services for mentally ill persons are hitherto very much neglected. The psychiatric care of persons with mental illness should be substantially supplemented by provision of social support and guidance. The services of specialist health care and social services personnel would be necessary for effectively coping with this group.

Seneca has, in a beautiful small sentence, said :

'Wherever there is a human being,
There is an opportunity for kindness.'

DECLARATION ON THE RIGHTS OF MENTALLY RETARDED PERSONS

The United Nations General Assembly, by its Resolution 2856(XXVI) dated the 20th December 1971, adopted the Declara-

tion on The Rights Of Mentally Retarded Persons. To this date, this Declaration remains the Magna Carta on the rights of mentally retarded persons.

The preambles to all Covenants, Conventions, Declarations, Recommendations, Resolutions, and similar instruments of the United Nations indicate the deep concern of the United Nations for the disabled and the disadvantaged groups leading to the adoption of the instruments.

HIGHER STANDARD OF LIVING

In the present declaration, the preamble emphasises the pledge of the Member Countries to take joint and separate action in co-operation with the organization to promote higher standards of living, full employment and conditions of economic and social progress and development.

It further re-affirms the faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter.

The preamble also recalls the principles enunciated in the Universal Declaration Of Human Rights, International Covenants on Human Rights, Declaration of the Rights of the Child and the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organization, the World Health Organization and the United Nations Children's Fund.

It emphasises that the Declaration on Social Progress and Development has proclaimed the necessity of promoting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged.

Bearing in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life and aware that certain countries, at their present stage of development, can devote only limited efforts to this end, the United Nations proclaimed the Declaration on the Rights of Mentally Retarded Persons and called for national and international action to ensure that it will be used as a common basis and frame of reference for protection of these rights.

RIGHTS OF THE MENTALLY RETARDED

The Declaration emphasised that the mentally retarded person has the following rights:

- The same rights as other human beings to the maximum degree of feasibility.
- The right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.
- The right to economic security and to a decent standard of living.
- The right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.
- The right to a qualified guardian when this is required to protect his personal well-being and interests.
- The right to protection from exploitation, abuse and degrading treatment.

- The right to process of law with full recognition being given to his degree of mental responsibility if prosecuted for any offence.
- Wherever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life.
- The family with which he lives should receive assistance.
- If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.
- Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of those rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse.
- This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

The mentally retarded have the same right to self respect and self determination as any other citizen. Parents and or guardians, staff members and social workers need to respect these rights. They are entitled to considerate and respectful treatment. They be developed to be as independent as feasible. The U. N. has always aimed at setting higher standards of living, condi-

tions of economic and social progress, development, growth and security.

It is pertinent to note that the preamble to the Declaration re-affirms faith in human rights, fundamental freedoms, in the principles of peace, in the dignity and worth of the human person and of social justice. Throughout this human instrument, one notes the U.N.'s deep concern for the mentally retarded person's right to self respect and where feasible, self determination. The rehabilitation of the mentally retarded should be the concern of the State -- may of every one of us.

Mentally retarded persons are entitled to the same rights as their fellow citizens. The mentally retarded persons should never be discriminated against, exploited, abused, suppressed or subjected to degrading treatment. They should be encouraged to find their personal identity. Over-protection should be avoided and the mentally retarded persons' values respected and their assent and co-operation sought. They be allowed to take part in decision making.

It is accepted by experts the world over that a mentally retarded person should live with his own family or with foster parents and participate in all family and social activities. The love, understanding and care of family members have therapautic effect and greatly accelerates return to normalcy. As far as possible, institutional life should be avoided.

STATE'S FINANCIAL RESPONSIBILITY

It MUST be recognised that developing the mentally retarded needs a team of specialists in several disciplines. The process of restoring the mentally retarded to as much normalcy as is feasible is a very highly expensive proposition. I would, therefore, very strongly urge Governments to extend cent per cent financial assistance for the

treatment and the rehabilitation of the mentally retarded. If the family is assured of financial assistance, the pace of return to normalcy can be substantially accelerated.

Among the different categories of the disabled and the impaired, the plight of the severely mentally retarded person is most difficult. In a majority of cases, externally the persons appears normal; not in all cases is the retardation apparent or obvious, at the same time the retardation constitutes a very major barrier requiring specialised education, training, successfully taking to employment or engaging in self-employment and in development in totality. This category of the disabled needs understanding of all family members, teachers, vocational training instructors, rehabilitation staff, employers, administrators, and the community as a whole, so as to minimise the adverse effects of their mental retardation and make social development and progress possible for the retarded.

All disabled persons are entitled to the same human rights and fundamental freedoms as other citizens. The disabled person has his own set of values and lives his life accordingly. All concerned should take the disabled person's wishes into consideration.

If the standards set by the United Nations in the Declaration on Rights of Mentally Retarded Persons are followed the world over by all concerned, it would usher in the dawn of a new era of understanding, care, love, social acceptance and all round development of this most sensitive amongst the disabled group.

R.L. Wilber has said: "Unless we think of others and do something for them, we miss one of the greatest sources of happiness". We all must think of the mentally retarded and the mentally ill and do whatever we can to bring joy and happiness in their lives.

CHAPTER IV

DECLARATION AND CONVENTION ON THE RIGHTS OF THE CHILD

Since the adoption of the Charter, the United Nations has been deeply concerned with all major vulnerable groups, especially children.

Disability affects more than one out of every ten children in the world. Early intervention at family and community level prevents infant mortality and lifelong impairment and substantially reduces the incidence of disability. The child needs to be assisted to survive and develop, with good health, as normally as feasible. Whether the child is disabled or not should make no difference whatsoever in our efforts at the total development and growth of the child.

National endeavour for prevention of childhood disability, in close co-operation with reputed international agencies such as the World Health Organization and UNICEF, would yield the best results. Provision of basic services of preventive and primary health care, adequate nutrition and community based services providing education, recreational facilities, playing games, opportunities for socialisation and the normal process of development and growth has to be universally aimed at, if the lot of millions of children the world over is to be improved.

One of the greatest Presidents of the United States of America Franklin D. Roosevelt had said: "We cannot always build the future for our youth, but we can build our youth for the future." Let us spare no efforts to build our disabled youth for the future.

W.H.O. IMMUNIZATION PROGRAMME

Immunization and disease control measures in co-operation with the W.H.O., UNICEF and IMPACT must be planned, especially for children living in rural and remote areas. The WHO's Expanded Programme on Immunization (EPI) aims at providing immunization against six major killers of children in the developing countries, viz.

- Diphtheria
- whooping cough
- tetanus
- measles
- poliomyelitis and
- tuberculosis.

The above diseases are estimated to kill some five million children each year. In addition, the above diseases disable five million more children every year. Prevention of disabilities cost barely a fraction of what it may cost to provide lifelong rehabilitation and after care services. What is more important, prevention eliminates unnecessary and avoidable human suffering over a life span. From the humanitarian point of view, this is the best service we can render to our greatest asset -- our precious children.

MATERNAL AND CHILD CARE -- A NATIONAL CONCERN

Most impairments in children can easily be prevented. The parents, especially

the mother, has to be well informed, educated, trained and motivated. Faulty child bearing practices have to be eliminated. The mother is the king pin in the entire process and needs to be properly guided and fully trained. Maternal and child care must become a national concern. Not only is child survival important, the child must have the care, love and protection of its natural parents. Survival implies that everything possible is done to prevent disability and impairment, leading to increase in child mortality. Positive attitudes and approaches, attitudinal changes and creating community awareness will, in due course, substantially reduce the incidence of childhood disability.

Prevention is a slow process. The results cannot be seen immediately. Its effectiveness is to be gauged over a long term period. Education, persisted over several decades, alone will show the beneficial effects of preventive measures.

HEALTH FOR ALL

If the W.H.O. objective of HEALTH FOR ALL by 2000 A.D. through PRIMARY HEALTH CARE is to be achieved, the health of the infant and children should be our prime concern. Adequate funds will have to be spared. A strategy for eliminating the common causes leading to disability will have to be evolved and energetically pursued. Most health problems could be solved by providing clean and adequate water supply -- especially drinking water, -- proper nutrition, safe sanitation, immunization against major diseases, treatment for cuts, burns and common ailments, sustained health education, family planning, active community participation in primary health care services, intensive training of local primary health service workers, with primary health care and health education energetically persevered over the decades.

Political will, at the highest level, and

liberal financial allocations are necessary if we are to achieve the laudable objective of HEALTH FOR ALL BY 2000 A.D.

"It is not arms, legs, eyes or ears that make a man and he shall be judged by what he can do, rather than for what he is unable to do," said the rehabilitation specialist Dr. Howard A. Rusk. Let us assist our disabled children to develop what they can do. This approach from childhood can show the best results.

HAPPY CHILDHOOD

The General Assembly, by its Resolution 1386 (XIV) of 20th November 1959, proclaimed the Declaration of The Rights Of The Child "to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth".

The Declaration recognises that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before, as well as after, birth".

The Assembly called upon "parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national governments" to recognise the rights set out in the Declaration and to strive for their observance by legislative and other measures.

The Declaration is in the nature of a code for the well being of every child "without any exception whatsoever" and without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family".

The following excellent standard

setting principles are proclaimed in the Declaration:

- The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, manually, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.
- In the enactment of laws, the best interests of the child shall be the paramount consideration.
- The child shall be entitled from birth to a name and a nationality.
- The child shall enjoy the benefits of social security.
- He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care.
- The child shall have the right to adequate nutrition, housing, recreation and medical services.
- The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.
- The child, for the full and harmonious development of his personality, needs love and understanding.
- He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case, in the atmosphere of action and of moral and material security.
- A child of tender years shall not, save in exceptional circumstances, be separated from his mother.
- Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support.
- Payment of State, and other assistance, towards the maintenance of children of large families is desirable.
- The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages.
- He would be given an education which will promote his general culture, and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility and to become a useful member of society.
- The best interests of the child shall be the guiding principle of those responsible for the education and guidance; that responsibility lies in the first place with the parents.
- The child shall have full opportunity for play and recreation which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of these rights.
- The child shall in all circumstances be among the first to receive protection and relief.
- The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form.

- The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development.
- The child shall be protected from practices which may foster racial, religious, or any other form of distinction.
- He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellowmen.

All the principles laid down in the Declaration Of The Rights of The Child apply to the disabled children as well. The United Nations has specifically included a principle giving "special treatment, education and care" required by the child who is "physically, mentally or socially handicapped."

The disabled child needs to be guided properly to occupy his or her leisure time fruitfully and to pursue cultural, recreational and social activities. Recreational therapy is the best and can greatly speed up the normalisation process in children with impairments or disability.

"It is the fundamental right of every one to realise himself, however imperfectly, and contribute to the common good, however little" said the immortal Helen Keller. Even our disabled children, if developed properly, can substantially contribute to the common good in their adult lives.

It is, therefore, of the utmost importance that all national and state level Non-

Governmental Organizations for the disabled throughout the world, and particularly in the developing world, ensure that these excellent basic principles regarding the rights of the child are faithfully observed. The Member States should also pay particular attention in ensuring that the disabled children who are already at an initial disadvantage in the use of an important physical sensory or mental function are not placed at a further disadvantage by denying them primary health care, education, vocational training, recreation, enjoyment, development and growth in as normal a manner as is enjoyed by all other children.

The Declaration of 1959 is a statement of general principles accepted by Governments. It carries no legally binding obligation as in the case of Conventions. A Convention has to be ratified by Member States. A mechanism for monitoring a nation's compliance is usually an integral function of a Convention and nations which ratify and sign the Convention are obliged to report to the appropriate U.N. Agency. Though a Declaration spells out guidelines and sets internationally accepted standards, a Convention is much more effective from the point of view of enforcement. It is an international law which is enforceable where countries have ratified the Convention or have acceded to it.

CONVENTION ON THE RIGHTS OF THE CHILD

The 20th November 1989 will go down in the history of promotion of the rights of the child as a red letter day. For on that fateful day, the General Assembly of the United Nations, at its 44th Session held in New York, adopted the historic Convention On The Rights Of The Child.

This Convention is the most comprehensive International Treaty on the Rights of

the Child. It sets universally accepted standards for the protection of children and for promotion of their rights. Since the Convention is recently adopted, it is imperative that, within the framework of the World Campaign On Human Rights, mass media publicity is given so as to promote and spread the concept universally. There is no doubt whatsoever that in the decades to follow, the Convention may assist governments in developing well formulated policies to secure the rights of children to survival, protection, all round development and growth.

Hitherto, in over 80 International Treaties and Declarations, matters pertaining to the rights and protection of children had been scattered. For the first time, the Convention on the Rights of the Child modifies and consolidates the existing standards and issues a comprehensive Convention. As is well known, in most countries of the world, children face criminal neglect, exploitation and abuse to varying degrees. Even where the child is adequately nourished, its right to develop fully is not protected nor is the child assured of decent and adequate living standards, access to primary health and medical care, education, games, recreational and leisure time activities and a normal family life. Very often exploitation, cruelty, criminal and even sexual abuses are practised. Human degradation is at its worst in child abuses.

For the first time, the Convention endeavours to ensure that the best interests of the child shall always be the major consideration of all concerned and that the child's own opinion shall be given due regard.

The Convention is one of the best drafted instruments of the United Nations. It took over ten years to draft the Convention. The process was initiated following the International Year Of The Child in 1979.

The Convention, which contains as many as 54 detailed Articles, comprehensively covers various aspects and rights of the child to be protected and promoted. Great stress is laid on elimination of exploitation of over 100 million children who are abandoned by their families and live on the streets. Such children are exploited and abused economically, physically and very often sexually. Malnutrition is rampant and a large majority live substandard lives.

Since every Article of the Convention is of great importance, I am taking the liberty of printing the Convention in toto as an Appendix. I am, therefore, not delineating in this Chapter on the specific rights of the child enumerated in the Convention. But I would earnestly urge all concerned to study the Convention in great depth.

"What the mind can conceive and believe, the mind can achieve", said W.Clement Stone. The international community has conceived the superb principles set out in the Convention and believes in them. It is for all of us -- the mind and the will of entire human race -- to achieve and realise them. That would lead to a better tomorrow.

COMMITTEE ON THE RIGHTS OF THE CHILD

The United Nations has taken special care to ensure periodic reports; examining the progress made by the States and monitoring realisation of the obligations undertaken by the ratifying or acceding States.

The Committee on the Rights of the Child set up under Article 43 of the Convention consists of ten experts of high moral standard and recognised competence in the field covered by the Convention. The members of the Committee shall be elected by secret ballot and shall hold term of office for four years.

The State Parties to the Convention shall report to the Committee through the Secretary General of the United Nations. The report shall contain sufficient information to provide the Committee with comprehensive understanding of the implementation of the Convention in the country concerned. The Committee may request the States to furnish further information relevant to the implementation of the Convention.

The Convention which shall be open for signature by all States is subject to ratification. Instruments of ratification are required to be deposited with the Secretary General of the United Nations. The Convention is also open for accession by any State. The instruments of accession are also required to be deposited with the United Nations Secretary General.

I would very strongly urge that the Convention is studied, article by article, as it provides universally accepted standards and basis for advocacy which may be pursued by International Agencies and Non-Governmental Organizations pleading with Governments for promoting the rights of the child.

Helen Keller has asked, "What induces a child to learn but his delight in knowing?" And proceeds to add: "Faith directs to the light when darkness prevails. Next to love, faith has the greatest might because it is bound up with one's own awareness." Let us educate the child. Let us give to the child knowledge. Let us love the child. Let us inculcate faith in the child. And the child is on the path of progress and shall grow up to be a good and contributive citizen.

CHAPTER V

DECLARATION ON THE RIGHTS OF DISABLED PERSONS

The General Assembly of the United Nations, at its meeting held on 9th December 1973, adopted by Resolution No. 3447 (XXX) the Declaration On The Rights Of Disabled Persons. The term "Disabled person," as per article 1, means any person unable to ensure for himself or for herself wholly or partly the necessities of a normal individual and or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities.

The preamble to the declaration recalls the principles of the Universal Declaration of Human Rights, the International Conventions on Human Rights, the Declaration of the Rights Of The Child and the Declaration on the Rights of Mentally Retarded Persons. It also recalls the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of its Specialised Agencies like the I.L.O., the UNESCO, W.H.O. and the United Nations Children's Fund and other organizations concerned. The rights and the principles listed in the above instruments also apply to the disabled as to any other citizen.

The preamble is mindful of the pledge made by the Member States under the Charter of the United Nations to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development. The preamble further re-affirms its

faith in human rights and fundamental freedom and in the principles of peace, of the dignity and worth of the human person, and of social justice proclaimed in the Charter.

It recalls the Economic and Social Council's Resolution 1921 (LVIII) of 6th May 1975 on prevention of disability and rehabilitation of disabled persons. It also emphasises that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged.

Bearing in mind the necessity of preventing physical and mental disability and of assisting disabled persons to develop their activities in the most varied fields of activities and of promoting their integration as far as possible in normal life, the United Nations proclaimed the Declaration of Rights of Disabled Persons and called for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights.

RESPECT HUMAN DIGNITY

The Declaration, inter alia, emphasises the following :

- Disabled persons shall enjoy all the rights set forth in the Declaration.
- These rights shall be granted to all disabled persons without any excep-

tion whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of health, birth or any other situation applying either to the disabled person himself or herself or to his or her family.

- Disabled persons have the inherent right to respect for their human dignity.
- Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age.
- This implies, first and foremost, the right to enjoy a decent life, as normal and full as possible.

SAME RIGHTS AS OTHER HUMAN BEINGS

- Disabled persons have the same civil and political rights as other human beings.
- Article 7 of the Declaration of the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of these rights for mentally disabled persons.
- Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.
- Disabled persons have the right to
- medical,
- Psychological and functional treatment, including prosthetic and orthotic appliances, medical and social rehabili-

tation,

- education,
- vocational education,
- training and rehabilitation,
- aid,
- counselling,
- placement services and other services,

which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration.

- Disabled persons have the right to economic and social security and to a decent level of living.
- They have the right, according to their capabilities, to secure and retain employment or to engage in a useful productive and remunerative occupation and to join trade unions.
- Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.
- Disabled persons have the right to live with their families or with foster parents and to participate in all social creative or recreational activities.
- No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment, other than that required by his or her condition or by the improvement which he or she may derive therefrom.

- If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.

PROTECTION AGAINST EXPLOITATION AND DISCRIMINATION

- Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.
- Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their person and property.
- If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.
- Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.
- Disabled persons, their families and communities, shall be fully informed, by all appropriate means, of the rights contained in this Declaration.

“A wise man will make more opportunities than he finds”, said Bacon. The disabled have to be on the look out for more opportunities which they can fully avail of with their residual abilities. They must be well trained in a variety of fields so as to be ready to seize any opportunity which may at any time present itself.

The following Articles of the Declaration are significant :

- Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have THE SAME FUNDAMENTAL RIGHTS AS THEIR FELLOW CITIZENS of the same age, which implies, first and foremost, the RIGHT TO ENJOY A DECENT LIFE, as normal and full as possible (Article 3);
- Disabled persons have the same social and political rights as other human beings (Article 4);
- Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions (Article 7);
- Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature (Article 10);

Leo Tolstoy had said: “Think well and your thoughts will ripen into good deeds”. The disabled must think of their residual abilities and how to put the same to the best use. This is the key to success.

The Universal Declaration of Human Rights and the International Covenants on Human Rights have clarified that the rights enshrined in these superb instruments are for all human beings, irrespective of any distinction based on race, colour and sex. The Declaration is not the only instrument applicable to the disabled. All other relevant United Nations instruments are equally

applicable. They substantially strengthen the rights spelled out in the Declaration. This is clear from the preamble to the Declaration itself. The disabled persons must be fully conscious of all their human rights.

POSITIVE APPROACH HELPS

The disabled too must have a positive, forward looking, constructive and

helpful approach. Helen Keller has said: "Keep your face to the sunshine and you cannot see the shadow." The disabled should of course be conscious of their human rights, but must also see to the brighter side of life. Again, the immortal Helen Keller has said: "The best and the most beautiful things in the world cannot be seen or even touched. They must be felt with the heart". How very beautifully expressed !

CHAPTER VI

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Since the Charter of the United Nations came into force on the 24th October 1945, the United Nations has adopted and proclaimed several very important covenants, conventions, declarations, recommendations, resolutions and other important standard setting instruments. All these have greatly assisted in setting excellent and high standards which could be followed nationally and internationally, leading to the promotion of peace, security, freedom and generally the welfare of all sectors of humanity.

If I am asked to name any one single United Nations instrument which has received universal approval and which is a masterpiece in draftsmanship, in standard setting and in enunciating principles of great and lasting importance, I would unhesitatingly plump for the Universal Declaration of Human Rights, 1948. It is a superb, all embracing, comprehensive instrument of lasting value for all humanity.

The drafting obviously is by men, who undertook much in depth and patient study, who had a vision of a better world, who looked centuries ahead and who had the wisdom and faith to realise that unless a healthy respect for human rights concepts and values develops and obtains, peace, security and international co-operation cannot be realised. All credit to these dedicated persons who have drafted, with vision and great foresight, this comprehensive instrument.

The dramatic happenings in Eastern Europe during the last few months of 1989,

in the Baltic Republics, in Tiananmen Square, in Mongolia, Burma and in other countries in South Asia, Central and South America and in Southern Africa clearly indicate that whatever ideologies govern nations, the urge for fundamental freedoms, human rights and democracy is indomitable. There is nothing which could be done to repress people from agitating or fighting to attain freedom, fundamental human rights and democratic forms of Governments -- of the people, by the people, for the people. The struggle now is clearly for multi-party democracy. This indeed is a healthy development and augurs well for democracy and the realisation of human rights and freedoms.

RED LETTER DAY

For obvious reasons, 10th December 1948 would remain a red letter day in the history of mankind. On this auspicious day, just before midnight, the General Assembly of the United Nations, at its meeting held in Paris, adopted and proclaimed the Universal Declaration Of Human Rights. Mrs. Eleanor Franklin Roosevelt, who chaired the session, hoped that the declaration would be "the Magna Carta of all mankind". A great tribute from a great lady!

The significance of the Declaration is due to the fact that for the first time in the history of mankind, the organized international community of nations made a declaration of human rights and fundamental freedoms. If, the world over, these ideal principles of great and lasting importance are

faithfully followed, a new era of peace, equality and happiness for all humanity would have dawned.

The book "United Nations Action In The Field Of Human Rights" published on the occasion of the 40th Anniversary of the Universal Declaration Of Human Rights states: "The Committee devoted eighty-five meetings to the preparation of the declaration and voted on almost every word, phrase, clause and paragraph -- 1400 votes in all." Careful and repeated readings will indicate that this declaration is truly a masterpiece in draftsmanship. The then President of the General Assembly pointed out that the adoption of the Declaration "by a big majority, without any direct opposition, was a remarkable achievement." 48 States had voted in favour, none voted against and only eight abstained.

DECLARATION

What is the precise implication of the U.N.referring to its instruments as "Declaration" ? In a Memorandum prepared in 1962 by the Office of the Legal Affairs and submitted to the Commission on Human Rights, it is stated: "In United Nations practice, a "declaration" is a formal and solemn instrument, suitable for rare occasions, when principles of great and lasting importance are being enunciated, such as the Universal Declaration of Human Rights. A recommendation is less formal." Truly, the Universal Declaration Of Human Rights has enunciated principles of great and lasting importance. It certainly was a rare occasion on which the international community had reached near unanimity in voting and adopting the declaration.

PREAMBLE

The preamble of the Declaration speaks volumes for the earnestness of the United

Nations in achieving for all mankind basic human rights. It recognises " the inherent dignity, and the equal and inalienable rights of all members of the human family in the foundation of freedom, justice and peace in the world." It emphasises that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people". It further stresses that "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, human rights should be protected by the rule of law."

The Declaration reiterates that "it is essential to promote the development of friendly relations between nations." It reaffirms the faith of the United Nations "in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom." Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

DEMOCRACY - 'HUMAN RIGHT' WORLDWIDE

Democracy is now a human right- the absence of which can be raised before the U.N. Commission On Human Rights, according to Mr. John R. Bolton, U. S. Assistant Secretary of State for International Affairs.

Speaking on the 8th February 1990, Mr.Bolton said, "The events of the past year in Eastern Europe, in Burma, in Central and

South America, in Southern Africa and in Tiananmen Square are an indication of the wisdom of the authors of the United Nations Universal Declaration of Human Rights and the international community which adopted it 41 years ago." Mr. Bolton further stated:

"This document enshrined the belief that people everywhere were entitled to certain fundamental human rights and freedoms. Such things as the right to assemble, to express one's own opinions, to worship according to one's belief and to periodically choose one's government, are now proving to be not just the privileges idiosyncratically enjoyed by the West, but the basic and universal aspiration of all mankind."

"Sadly, not all Governments today have faced up to the urgency of recognising their people's rights. In several countries we have seen the spirit of democracy well up, only to be repressed by the ruling regime. It is ironic that in these few benighted lands, those in power claim to be at the vanguard of historical forces. Yet, in reality, they are blind to the tide of history that is now forcing one totalitarian regime after another."

There is no denying the fact that in several parts of the globe, Governments themselves violate fundamental freedoms and the basic human rights of their own peoples. Member Countries who have ratified the Covenants in the Bill of Human Rights often indulge in violations and abuses of human rights against their own people. It is imperative that the people themselves are vigilant, submit the actions of their Governments to watchful scrutiny and work towards restoration of human rights. This is easier said than done. I am not minimising the difficulties. If liberty is what the people want, it is inescapable that they are vigilant. Universality gives validity and authority to human rights.

Many workers in the field of disability and the disabled themselves have been often wondering whether the Declaration or specific Instruments of the United Nations On Human Rights are applicable to the Disabled.

The General Assembly, while proclaiming the Universal Declaration of Human Rights as a common standard of achievement for all people and all nations, has in Article 1, emphasised that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Again in Article 2 it is stated, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Several Articles of the Declaration start with the words "Everyone". Or the word is used in the body of the Article.

The wording of the Charter itself and of several Instruments makes it clear that they are applicable to the entire human family and that there are no exclusions whatsoever on ground of disability or otherwise.

HUMAN RIGHTS

The Universal Declaration Of Human Rights proclaims:

- All human beings are born free and equal in dignity and rights.
- They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

CIVIL AND POLITICAL RIGHTS

- Everyone has the right to life, liberty and security of person.
- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

EQUALITY BEFORE LAW

- Everyone has the right to recognition everywhere as person before the law.
- All are equal before the law and are entitled without any discrimination to equal protection of the law.
- All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the

Constitution or by law.

- No one shall be subjected to arbitrary arrest, detention or exile.
- Everyone is entitled in full equality to a fair and public hearing or an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.
- Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

FREEDOM OF MOVEMENT

- Everyone has the right to freedom of movement and residence within the borders of each State.
- Everyone has the right to leave any country, including his own, and to return to his country.

- Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

RIGHT TO A NATIONALITY

- Everyone has the right to a nationality.
- No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

RIGHT TO MARRY

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- Marriage shall be entered into only with the free and full consent of the intending spouses.
- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

RIGHT TO PROPERTY

- Everyone has the right to own property alone as well as in association with others.
- No one shall be arbitrarily deprived of his property.

RIGHT TO RELIGION

- Everyone has the right to freedom of thought, conscience and religion.
- This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

RIGHT TO FREEDOM OF OPINION

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

RIGHT TO FREEDOM OF ASSEMBLY

- Everyone has the right to freedom of peaceful assembly and association.
- No one may be compelled to belong to an association.
- Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.
- Everyone has the right of equal access to public service in his country.
- The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

RIGHT TO WORK

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- Everyone has the right to form and to join trade unions for the protection of his interests.
- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

RIGHT TO A STANDARD OF LIVING

- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and

medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

RIGHT TO EDUCATION

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.
- It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- Parents have a prior right to choose the kind of education that shall be given to their children.

RIGHT TO CULTURAL LIFE

- Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to

share in scientific advancement and its benefits.

- Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

RESPECT FOR THE RIGHTS OF OTHERS

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.
- Everyone has duties to the community in which alone the free and full development of his personality is possible.
- In the exercise of his rights and freedoms, every one shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.
- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

I need hardly mention that all the rights listed above supplement, complement and support each other and that they interact. The free and full exercise of all

human rights by all human beings so very comprehensively spelled out in the Universal Declaration of Human Rights leads to improved quality of life for the disabled and promotes acting towards one another in a spirit of brotherhood. Rights and Responsibilities go hand in hand. If every one throughout the world realises his responsibilities to other members of the community, the world would be a happier place to live in. Let us all contribute our mite.

"Disability presents an opportunity to test the resources of the soul", said the poet John Keats. Let our disabled brethren test the resources of the soul.

Helen Keller has emphasised that Employment is the Key to Independence. She says: "My whole desire has been to have my own door key." At another place she says: "My share of the work of the world may be limited, but the fact that it is work makes it precious." Work is very precious to the disabled. They cherish **THE RIGHT TO WORK** the most.

INTERNATIONAL BILL OF HUMAN RIGHTS

In the U.N. terminology, the terms covenant, convention, declaration have to be properly understood. Whereas a Declaration is in the nature of a recommendation, which the Member States may implement at their own pace and subject to their financial constraints, a Convention or Convenat, on ratification and or accession, is like an international treaty and imposes a duty on Member States who would be bound to carry out and give effect to the provisions of these instruments. A Convention and a Convenant is required to be registered with the United Nations and its Member Countries undertake and ensure the implementation of the standards set forth in the Instrument. They are required to report progress periodically

to the U.N. Agency specified. Thus the international community is able to monitor and watch the progress in the implementation of the Covenants and Conventions. They can also seek clarifications.

The General Assembly, by the Resolution No. 2200(XXI) of 16th December 1966, adopted and opened for signature, ratification and accession the following three instruments :

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights and
- The Optional Protocol to the International Covenant on Civil and Political Rights.

The above three instruments, together with the Universal Declaration Of Human Rights, form the International Bill Of Human Rights.

The Covenants, when ratified by Member Countries bind them to honour the rights mentioned in these instruments. Thus the Covenants and Conventions of the U.N. are more effective instruments than recommendations, since implementation could be monitored by the U.N. and remedial action taken or suggested, where necessary.

The International Covenant On Economic, Social and Cultural Rights came into force on 3rd January 1976, i.e. three months after the date of deposit with the Secretary General. As at 31st December 1987, the Covenant had been ratified or acceded to by 90 States.

The International Covenant on Civil and Political Rights came into force on 23rd

March 1976, i.e. three months after the date of deposit with the Secretary General. The Covenant has been ratified or acceded to by 87 States.

On the 4th December 1950, the General Assembly had declared : "The enjoyment of civic and political freedoms and of economic, social and cultural rights are inter-connected and inter-dependent" and that "when deprived of economic, social and cultural rights, man does not represent the human person whom the universal declaration regards as the ideal of the free man".

I am printing as Appendices the three instruments, which, together with the Universal Declaration Of Human Rights, constitute the International Bill Of Human Rights.

For the first time in the history of mankind, detailed instruments have so very superbly laid down fundamental freedoms and basic human rights with the approval of the international community. As has been emphasised before, implementation and translating the standard into performance are of the utmost importance. Similar instruments at the national level will go a long way in ensuring implementation and translating the excellent standards set into performance.

LEGISLATION AT NATIONAL LEVELS

If political leadership at the highest level in every country make it their personal responsibility to propagate and promote these human rights and freedoms, the world would be a happier place to live in. The best way to give a fillip to the spread of the concept of human values would be to enact legislation in all countries on lines similar to the excellent human rights instruments adopted by the United Nations. Such action would

universally spread these basic principles of great and lasting importance. The Constitutions of Countries should also contain provisions similar to those in the standard setting instruments of the United Nations.

"A man without an ideal is like a ship without a rudder" said Mahatma Gandhi. Let

our ideal be the realisation of human rights.

If every human being studies the Universal Declaration Of Human Rights and trains himself to respect the rights of others, the world would be a happier place to live in. Let us strive to make the Declaration "the Magna Carta of all mankind".

CHAPTER VII

DISABLED WOMEN

The Preamble of the United Nations Charter "reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large and small". Thus equal rights of men and women have been emphasised in the first few lines of the United Nations Charter itself.

Even after over four decades of the United Nations efforts to improve the status of women the world over, several activists strongly feel that women constitute the oppressed half of humanity.

The Father of the Indian Nation, Mahatma Gandhi, had repeatedly emphasised that no real freedom was possible without the freedom of women, who formed half the population of any country.

It is in the interest of all human beings that we promote the education of women, train them well in primary health care and particularly the care of children and motivate them to enable them to play a more positive, more creative and more dynamic role in all spheres of family, social, national and international activities. There should be no discrimination against women in any matter, merely on the ground of sex. They are the equal citizens of any country. They must have equal rights and equal opportunities for full participation in the life of the community.

The Charter of the United Nations is the first major international Instrument

to emphasise equal rights of men and women. The faith of the United Nations in equal rights of men and women should be energetically and actively translated into practice globally so as to respect the human dignity of women and to improve their politico-socio-economic status.

The Universal Declaration Of Human Rights proclaims : "All human beings are born free and equal in dignity and rights." The Declaration is based on the assumption that the right to liberty and equality is man's birthright and cannot be alienated.

The right to life, the right to liberty and the right to security of person - the three fundamental rights are proclaimed in Article 3 of the Declaration. These rights are essential to the enjoyment of all other rights by every one. The Declaration, however, emphasises that "every one is entitled to all the rights and freedoms set forth therein without distinction of any kind", including distinction based on sex.

WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND WOMEN

The United Nations, at the 17th Session of the General Assembly held on the 3rd December 1982, adopted by Resolution No.37/52 the World Programme Of Action Concerning Disabled Persons. The World Programme emphasises, inter alia, the following :

-- The consequences of deficiencies and disablement are particularly serious for women.

-- There are great many countries where women are subjected to social, cultural and economic disadvantages which impede their access to health care, education, vocational training and employment.

-- If, in addition, they are physically or mentally disabled, their chances of overcoming their disablement are diminished, which makes it all the more difficult for them to take part in community life.

-- In families, the responsibility of caring for a disabled parent often lies with women, which considerably limits their freedom and their possibilities of taking part in other activities.

The World Programme emphasises that there is a steady growth of activities to prevent impairment, such as the improvement of hygiene, education, nutrition, better access to food and health care through primary health care approaches, with special attention to mother and child care; counselling parents on genetic and pre-natal care factors; immunisation and control of diseases and infections; accident prevention and improving sanitation and the quality of their environment.

The Programme proceeds to add

-- for a majority of the world's population, especially those living in countries in the early stages of economic development, these preventive measures effectively reach only a small proportion of the people in need.

-- Most developed countries have yet to

establish a system for early detection and prevention of impairment through periodic health examination, particularly for pregnant women, infants and young children.

The disabled women themselves should take the initiative, assert themselves and be fully involved in all women's movements. The experience of general women's movements can contribute much to the disabled women's movements.

Let us ask ourselves a few questions. Forty years after the Universal Declaration of Human Rights was proclaimed in 1948, have all or most of the human rights mentioned in the declaration been enjoyed by women - or disabled women - in toto - all over the world? Have countries made any serious efforts to make these rights universally applicable to women? Has any national level legislation been passed? Do even a minority of women enjoy these rights globally? Regretfully, the answer is NO.

In addition to shouldering all the household duties - and the heavy responsibility of care and responsibility of bringing up children - and looking after the family elders - may be sick, disabled or infirm - they are often required even to earn a living for supporting the family and for supplementing the meagre family income. In fact, they do two jobs - one at home and the other at office. The strain on them is much more than that on men. Are men really fair to women? Have we done our best to share their burdens?

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

One of the important Commissions of the United Nations is the Commission on the Status of Women. The draft prepared by

this Commission on the Convention On Elimination Of All Forms Of Discrimination Against Women was adopted by the General Assembly by its Resolution No. 34/180 of 18th December 1979.

The Convention sets out in legally binding form internationally accepted principles and measures to achieve equal rights for women everywhere. It requires that special attention be given to the problems of rural women. States parties to the Convention agree that all contracts and other private instruments that restrict the legal capacity of women "shall be deemed null and void".

How comprehensive is the Convention can be seen from the preamble and its 30 Articles. I reproduce below paragraph 114 of Chapter II - International Instruments Concerned With Human Rights - from the book *The United Nations Action In The Field of Human Rights* :

"114. In the preamble, the States parties to the Convention recall that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family, and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity; and express their determination on the Elimination of Discrimination Against Women".

It is pertinent to note that the term "discrimination against women" is defined for the purposes of the Convention as meaning "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of

equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

The Convention urges upon Member States to

- condemn discrimination against women in all its forms and urges upon them to pursue by all appropriate means and without delay a policy of eliminating discrimination against women through legislation and other means;
- to embody the principle of the equality of men and women in national constitutions;
- to prohibit all discrimination against women by appropriate legislative measures;
- to establish national tribunals and other public institutions for the effective protection of women against any act of discrimination;
- to ensure that public authorities or institutions shall refrain from engaging in any act or practice of discrimination;
- to eliminate discrimination against women by any person, organization or enterprise;
- to modify or abolish existing laws, legislations, customs and practices which constitute discrimination against women;
- to take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures to ensure the full development and advancement of women;

-- to accelerate de facto equality between men and women;

-- to take measures to eliminate prejudices and practices based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

-- to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children;

-- to suppress all forms of traffic in women and exploitation or the prostitution of women.

Though the Convention is for women generally and not specifically for disabled women, all that is stated in the Convention is applicable to disabled women of all countries.

The concept of fundamental freedoms and human rights is not a preserve of males. All such rights and freedoms have to be enjoyed equally by women no matter what the tradition or culture of any country may have done to restrict their human rights for the benefit of a male dominated world. We must readily concede that ours is still a very much 'male dominated world' - especially in the developing Third World. This state of affairs MUST change - and change very fast too.

The basic principles enunciated in the U.N. Declaration of Human Rights proclaim that "all human beings are born equal in dignity and rights" and that "every one is entitled to all the rights and freedoms set forth therein without distinction of any

kind" including distinction based on sex. Women are fully eligible to enjoy all the rights enshrined in the Universal Declaration.

Even the United Nations Charter emphasises in Article 8 thereof that "The United Nations shall place no restriction on the eligibility of men and women to participation in any capacity and under conditions of equality in its principal and subsidiary organs." Thus all ladies are eligible for selection for any appropriate post in the United Nations and its subsidiary organs.

The United Nations has taken several important initiatives to further the advancement of women. In addition to the Convention referred to, it has observed 1975 as the International Women's Year, convening the World conference of international women and adoption by the Conference of the declaration of equality of women and their contribution to development and peace.

The U.N. Decade For Women with its theme "Development and Peace" was celebrated during 1976 to 1985. Thus the United Nations and its Specialised Agencies have done their best to further promote the status of women and to eliminate discrimination on the ground of sex.

The United Nations has established the United Nations Development Fund For Women. It has also established an International Research and Training Institute For The Advancement Of Women. These are positive steps to achieve the laudable objectives of the United Nations.

One must accept the fact that the plethora of laws for ensuring equal rights for men and women cannot alone bring about a change in the status of women. Laws alone never bring about attitudinal changes. It is

essential to educate both men and women by globally creating community awareness and spreading information to bring about a change in the psyche of nations.

THE OPPRESSED HALF OF HUMANITY

It is generally conceded by most people that women constitute the oppressed half of mankind. Even where equality between the sexes is accepted in principle, in reality the cases of violations and abuses are galore. More often than not, human rights are honoured in their breach so far as women are concerned. Local Bodies, State Legislative Assemblies, Parliaments, Public Service and similar bodies are all dominated by men. Representation of women at the highest level of politics, diplomacy and in key jobs on equal terms has yet to be achieved on the basis of equality. Customs and traditions die hard. In a male dominated regime, the fundamental freedoms and human rights of women are the major casualties. Women earn less pay, are given routine or stereotyped jobs, are required mainly to look after the children, the family elders and household work. They don't have EQUALITY OF OPPORTUNITIES nor is the climate congenial for them to FULLY PARTICIPATE in the life of the community. In addition to customs and traditions, religious fundamentalism also very much curbs the freedom of majority of women. In family and inheritance matters, marriage and divorce, they do not enjoy equality of rights. For centuries, women are used to tolerating inequal treatment and inferior status. The Universal Declaration of Human Rights and the Covenants which constitute the Bill of Human Rights all accept the same rights for women as for men. Yet the United Nations General Assembly adopted in 1979 a Convention on the Elimination Of All Forms Of Discrimination Against Women. The very need for such a Convention indicates that EQUALITY OF RIGHTS between men

and women is still a remote objective in many parts of the globe.

The increasing involvement of women in all spheres of human activities must be our main endeavour. The involvement of disabled women must also be greatly pushed up. They should be trained by organising Seminars, Workshops, etc. at all levels and made fully familiar with their fundamental freedoms and human rights. There should be much better interaction between the disabled women and women's organizations. Exchange of information, ideas, experiences, keeping abreast of national and international laws on human rights all would greatly help. The Problems of Women - particularly those of disabled women - should at all times be before the general public. A new congenial climate be created so that Human Rights Activists may promote the concept.

Disabled women should be able to avail themselves of the benefit of all Government approved schemes and also fully avail themselves of all existing normal community resources.

The official logo of the International Year of Disabled Persons represented two persons holding hands in solidarity and support of each other in a position of equality. The world would be a happy place to live in if, in reality, this becomes true of all women - including disabled women.

Think over what Bertrand Russell has said: "Mankind has become so much one family that we cannot ignore our own prosperity except by insuring that of every one else."

Disabled women need to be better organised so that they could themselves forcefully advocate their own cause and keep it continuously before the State and the

community. They must be better trained and more vocal. They should develop at national and international levels women activists who are knowledgeable and balanced and who could keep the problems of women continuously before the community and seek redress.

"Only a life lived for others is a life worthwhile", said the immortal scientist Albert Einstein. Women the world over have mainly lived their lives for others -- for their children, for their parents, for family elders, for family members, for the disabled and in many cases for several deserving social, cultural and other causes -- very often at great personal sacrifice and at the cost of their own freedom. In a majority of cases, they have lived their lives for others. This is equally true of the disabled women. They have truly led worthwhile lives! They certainly deserve a better deal -- **FULL PARTICIPATION and EQUALITY OF OPPORTUNITIES.**

LEADERSHIP

"A leader is best when people barely know that he exists", said Witter Bynnar. We must develop a cadre of trained women leaders.

Leadership in organising work for disabled women must come from disabled women themselves. They know their problems best. They are in the best position to suggest sound and realistic solutions. They can persevere to achieve them. Once they clearly identify their solutions, every one -- including men -- would go all out to assist them.

Leadership Programmes and Seminars be also organized for training Disabled Women as Human Rights Activists.

"Think big. A little confidence breeds more confidence, and the more you stand up to things, the more you will," said James Alexander. Disabled women must think big. They must learn to stand up to things.

CHAPTER VIII

PLAN OF ACTION

The eminent pioneer in theosophy, the late Dr. Annie Besant has so very lucidly stated: "How great and noble is human life when it is made to flow along the channel of useful and helpful activity." No activity could be more useful and helpful than promoting respect for human rights and fundamental freedoms. They help in maintaining PEACE, law and order and in promoting brotherhood.

As I have often emphasised before, mere adoption of international instruments -- howsoever comprehensive -- will not alone help. Political will at the highest national level to enforce human rights international instruments and to enact national level legislation is necessary. There must be a well organised machinery for monitoring, evaluating and enforcing human rights. Violation and abuses must be severely penalised.

The European Convention on Human Rights, 1950 and the European Court of Human Rights at Strasbourg set up under the Convention has granted relief to several individuals against their own Governments. This was possible because 21 Member States of the Council of Europe ratified the regional Convention.

Again, under the American Convention of Human Rights of 1969, which came into force on July 18, 1978, the Inter American Court of Human Rights is set up at San Jose, Costa Rica. This Court has given some historic decisions. In a recent case, the Court

ruled that Habeas Corpus could not be suspended even during the State of Emergency. A truly historic decision!

The African Charter on Human And People's Rights proclaimed in Nairobi in June 1981 came into force on October 21, 1986. As on 31st October 1987, it has been ratified by some 34 African States.

The United Nations may encourage the enactment of such Regional Conventions on Human Rights and establishment of such Regional Courts. This alone would give a tremendous fillip to the development of Human Rights Jurisprudence and the involvement of the International Case Law on Human Rights. A machinery for enforcement would be available if such Courts of Human Rights are set up.

"Nothing great was ever achieved without enthusiasm", said Ralph Waldo Emerson. Let us enthuse our youth, our people and human rights activists and we shall achieve the great -- realise globally fundamental freedoms and human rights.

Some believe that because of the grinding poverty, mass illiteracy, lack of education, absence of information and knowledge of human rights concepts, violations and abuses mainly prevail in the poorest developing countries. This is not true. In industrialised and progressive countries too, gross violations and abuses of human rights take place -- perhaps for very different

reasons. It should be the earnest endeavour of all humanity to eliminate human right abuses wherever they exist and in whatever form they exist. Poverty alleviation and removal of mass illiteracy may greatly help in a positive appreciation of human rights concepts and law. To reach an ideal stage may take decades or centuries. But we all must plan and redouble our efforts right from now on so that the ideal objectives of the United Nations can be achieved in due course.

The United Nations Secretary-General Mr. Javier Perez De Culler has said "The peace we seek means more than the abuse of war. It must entail a life of dignity for all. We simply cannot expect true peace to reign for as long as people in huge numbers continue to starve, to go homeless or to be subjected to repression."

Assuming that political will, at the highest level, to promote Human Rights is strong in all countries throughout the globe, that this leads to the enactment of positive legislation on the lines of the United Nations Human Rights instruments, and the repeal of obnoxious laws leading to violations of human rights in any form, that an implementing, monitoring and enforcement machinery exists, it may still take several decades -- perhaps several centuries -- to ensure that fundamental freedoms and basic human rights are universally respected and prevail throughout the world and that the laudable objectives of the United Nations are fully realised.

However, if we plan ahead and systematically and methodically work to achieve our goals, targets and objectives, a sound beginning would have been made which would, in decades to come, appreciably eliminate flagrant human rights violations and gross abuses.

The Plan of Action has to be realistic.

We have to do the hard and unpleasant jobs first. The Plan has to motivate all the main concerned agencies and the community as a whole to work towards realisation of our objectives, goals and targets -- our human rights.

I have, therefore, listed under four major categories what we may expect from the agencies directly concerned and involved. The thrust has to be at the following levels:

International
National
Non-Governmental Organizations,
and at the level of the Community.

INTERNATIONAL

- The United Nations should declare a Decade For Human Rights, should proclaim Human Rights Years and encourage countries to proclaim National Human Rights Days so as to spread the concept and motivate people to respect and be conscious of their human rights.
- The United Nations, its Specialised Agencies and all International Organizations working in the field of Human Rights should continuously motivate all countries to promote fundamental freedoms and human rights and national level legislation.
- Fundamental Freedoms and Human Rights MUST be enforceable and there must be an adequate machinery for enforcement everywhere.
- Every effort be made to systematically eliminate the common causes leading to violations and abuses of Human Rights, no matter in what form and where they are practised.

- The principles and provisions of the excellent standard setting instruments of the U. N. be made very widely known by electronic and print mass media World Publicity Campaigns.
- Effective monitoring machinery be established for ensuring implementation and enforcement of human rights enshrined in Conventions and Covenants ratified or acceded to.
- Member States shall report to the Secretary-General the measures they have adopted to promote human rights as per the U.N. instruments.
- The human rights record of every nation be watched annually, remedial action taken in case of gross violations and abuses and international trade and other sanctions be imposed on defaulting nations.
- Military Dictatorships, absolute Monarchies, countries governed under Emergencies, where ethnic unrest, conflicts, genocide and terrorist activities prevail and human rights are violated - all be discouraged by imposition of economic, trade and other sanctions on a global basis. The people be encouraged to strive for multi-party democracies.
- Every effort be made for promoting multi-party democracies as, in due course, they best promote and ensure human rights and fundamental freedoms; monitor violations and abuses and take remedial and corrective measures and action.
- Attitudinal changes and creating community awareness, persisted over several decades, would gradually create congenial climate for promoting and spreading the concept of human rights.
- Guidance, encouragement, assistance and facilities be liberally given to international and national level Human Rights Organizations and Activists.
- Spread of information on fundamental freedoms and human rights and creating community awareness through electronic and print mass media publicity help in spreading the concept of human values.
- Motivating setting up of Regional and National Institutes of Human Rights to be the focal points for monitoring and ensuring implementation of human rights and for effectively meeting the demands of trained man power.
- Encouraging the adoption of Regional Conventions On Human Rights and setting up Courts of Human Rights to give a boost to Human Rights Jurisprudence and to assure people that machinery exists for enforcement of national and international instruments on human rights.
- The United Nations System should encourage research in human rights so as to assist Governments in formulating policies and programmes and enacting legislation or amending or repealing obsolete legislation.
- The United Nations should include on the Human Rights Commission and similar U. N. bodies nominated representatives of International Agencies in the field of Disability Prevention and Rehabilitation of the Disabled so as to bring to the notice of the international community the dis-

crimination against the disabled merely on the grounds of disability, human rights violations and abuses pertaining to disability and the rehabilitation of the disabled.

- The United Nations may adopt a Convention Against Discrimination of Disabled Persons merely on the grounds of disability.

NATIONAL

- There should be National Debates on Human Rights and Fundamental Freedoms.
- Comprehensive National Policies and National Plans of Action be formulated for promoting Human Rights.
- National Commissions on promoting Human Rights be set up.
- Governments must ensure that neither they nor their subordinate functionaries violate fundamental freedoms and human rights.
- The superb standard setting instruments of the United Nations be translated in all major regional languages and be freely distributed to popularise and spread human rights concepts.
- All human rights listed in the United Nations instruments be respected and all concerned officials be directed to ensure observance and implementation for all, especially for the disabled and the disadvantaged groups.
- Since the primary responsibility for effective enforcement of human rights rests with the individual countries, international co-operation be aimed at

and directed towards assisting and supporting national efforts.

- Ministers, Parliamentarians, Legislators, Administrators, Corporators, Local Authority Officials, N. G. O.s. and others concerned should have all important United Nations Instruments and other Human Rights materials and they be motivated to study these in depth and in spreading the concept in their respective areas of influence.
- Existing legislation* which violates Human Rights of the Disabled or the socio-economic backward or disadvantaged groups be speedily repealed.
- Factors adversely affecting human rights be pinpointed and remedial action taken, where necessary.
- Member States may make their reports on HUMAN RIGHTS widely available to the general public in their own countries.
- Member States may also widely publicise the various U.N. Human Rights Instruments.
- It be ensured that there is no discrimination merely on the ground of disability, sex, race, religion or socio-economic backwardness.
- Periodically, Leadership Training Programmes, Seminars, Workshops be organised to train activists in the promotion and monitoring of Human Rights.
- Political will at the highest Federal and State levels and at the level of District and Local Authorities and commitment to promote human rights would speedily spread concepts.

- It is imperative that Human Rights Legislation on the lines of the excellent Instruments of the United Nations is enacted in all countries on TOP PRIORITY basis and obnoxious provisions in existing laws, if any, are repealed.
- Constitutions of all countries should have clear cut and specific provisions for fundamental freedoms and human rights.
- While framing new constitutions or amending existing ones, the standards set in the United Nations instruments may be incorporated, where necessary.
- All countries the world over, irrespective of their different political ideologies, should switch over to multi-party democracies.
- Human Rights Commissions for monitoring and for remedial action against human rights violations and abuses be set up by Governments with adequate representation of all concerned interests.
- All National and State level Human Rights Organizations be guided, encouraged and financially assisted so as to ensure that they promote human rights.
- All Administrators and Executive Officers, especially those connected with maintaining law and order and promoting socio-economic rehabilitation of the disabled, and officials of the police force, military or paramilitary forces, officials of prisons, those handling large labour forces, Directorates or Departments of Welfare, be trained to respect human rights and fundamental freedoms so as to avoid malpractices like torture, maltreatment in police custody, prisons, refugee camps, labour forces and similar bodies.
- Medium and long term programmes to increase the contribution of youth to the development of human rights be initiated in all countries.
- Disabled youth, both in rural and urban areas, be trained in human rights and utilised to the best advantage of the movement.
- Educating children and youths in human rights from the earliest stages by including suitable simple lessons in story form in school text books will greatly help in developing right human values in the citizens of to-morrow.
- Efforts to spread human rights concepts be intensified manifold and standards set as high as possible.
- Electronic media publicity and print publicity through all recognised media would help in bringing about attitudinal changes and creating community awareness.
- The community MUST be involved, in a big way, to accelerate the realisation of the standards set by the United Nations.

NON-GOVERNMENTAL ORGANIZATIONS

- The Non-Governmental Organizations have to be the watch-dogs and activists and continuously move the Governments of their respective countries to formulate National Policies

on Human Rights and to enact human rights legislation on lines similar to those of the United Nations Instruments.

- Setting up Human Rights Cells and informing and enlightening the disabled, their family members and the Institutions working for or with the disabled and ensuring that they all understand that fundamental freedoms and human rights are for all and are equally applicable to all disabled persons.
- Promoting and assisting national and State level human rights organizations.
- Ensuring that there are no human rights violations or abuses and taking remedial action where necessary.
- Stimulating and increasing exchange of information.
- Motivating and training a cadre of human rights activists belonging to various professions -- especially disabled activists -- both men and women.
- Organising Conferences, Seminars, Workshops for training disabled human rights activists and for spreading the concept.
- Translating the U.N. Human Rights Instruments in regional languages, giving the widest publicity to them so as to spread the concept and creating community awareness at all levels.
- All International level N.G. O.s should set up National level Organizations on Human Rights and motivate State Governments to enact legislation on the lines of the U.N. Instruments.

- Getting humanitarian organizations interested and involved in co-ordinating activities for promoting human rights.

- Setting up Clearing Houses for disseminating information on Human Rights.

COMMUNITY

- Intellectuals from amongst the citizens of every country have to be alert and to be conscious of human rights and fundamental freedoms and be prepared to fight all violations and abuses.
- They have to ensure that constitutional provisions and human rights legislation are promoted and the excellent standards set in the United Nations Instruments are properly publicised, understood and implemented.
- If the rule of law has to prevail and human rights respected -- all professions, especially the legal profession -- should develop activists to act as watch-dogs and agitate against any repressions, suppressions, violations or abuses of human rights.
- Violations taking place in the name of safety and security of the country be guarded against.
- A cadre of professionally trained human rights Activists be built up.
- It be the endeavour of every citizen to ensure that the rule of law prevails.
- Trade Unions, Associations or Organizations of Trade, Commerce, Industry and similar bodies may establish their own cells for promoting and spreading Human Rights concepts.

-- Equalization of Opportunities and Full Participation of the Disabled in every sphere of activity be assiduously promoted and it be ensured that there is no discrimination or denial of human rights to the disabled.

Elbert Hubbard has so aptly said: "Do your work with your whole heart and you will succeed -- there is so little competition." Let us all work with our whole heart to promote human rights.

THE HUMAN FAMILY

The human family as a whole stands to benefit greatly if the concept of fundamental freedoms and human rights spreads and is observed universally. All nations have to assist in building up the ideal structure the United Nations has in mind. The United Nations has applied itself to this task with great devotion and dedication and has persevered for over four decades in setting superb standards and giving practical guidelines. However, the main task of implementation and observance can mainly be done by member countries -- by all countries -- by all mankind.

Vissarion Belinsky had said: "Man's main duty in every sphere of activity, on every rung of the human hierarchy, is to be human." Let us all be human and promote human rights.

A historic development has taken place. Man, the individual human being, has for the first time in history, emerged on the international scene. His fundamental freedoms and human rights have to be respected. Human rights work is individual. Cases of violations of individual's human rights need to be given special attention, particularly of political prisoners languishing in prisons for decades.

F.G. Harmon, President, International Management Association, said some time back: "The basic job is that of managing people -- the others are merely techniques." How easy it would be to manage people if there is universal understanding and respect for human rights!

"They never fail who die in a great cause", said Byron. We shall not fail promoting Human Rights -- a great cause!

CHAPTER IX

NON-DISCRIMINATION AGAINST DISABLED PERSONS

The disabled are working under a genuine grievance. They feel that they are discriminated against in almost all spheres of activities in daily life merely because of their disability. It is imperative that this genuine grievance is removed. Nature has already imposed on them a very severe physical, mental, sensory and/or functional disability. It is not proper for the State and the community to impose additional burdens on the disabled persons by denying to them the use of normal community resources, benefit of approved Government and other schemes, access to public buildings, transportation and other facilities provided by public utilities and denying them access to sports, games, recreational and cultural activities. If we are to achieve these laudable objectives, the family members and members of the community -- nay, the entire human race -- will have to be educated in respecting the human dignity and worth of the disabled person and in granting and making it possible for him or her to enjoy all fundamental freedoms and basic human rights. Attitudinal changes must be brought about so that the disabled do not feel aggrieved on account of discrimination.

The author has no doubt that a Convention would be much more effective than a Recommendation or a Declaration. He has, therefore, drafted a Convention concerning Non-Discrimination Against Disabled Persons. The author has prepared a draft with a view to enabling the disabled persons to discuss the same and come out with their considered suggestions for

additions, alterations and improvements. Similarly, Non-Governmental Organizations of and for the disabled may also have an opportunity of improving upon the proposed draft.

At the very outset, I must clarify that this is NOT a Convention adopted by the United Nations.

SALIENT FEATURES

The salient features of the draft are :

- The provisions shall apply to all categories of disabled persons suffering from any disability whatsoever, whatever its extent.
- No disabled person shall be discriminated against or treated unfavourably vis-a-vis other citizens merely on the ground of his or her disability.
- Member States may adopt a national policy and plan on non-discrimination against disabled persons. Such a policy and plan be evolved in consultation with disabled persons and their Organizations.
- Member States shall enact legislation as to provide for monitoring, evaluating and enforcing the provisions of the Convention, if and when adopted and ratified by them.

- The national policy and plan shall provide for appropriate rehabilitation measures leading to total growth and development and providing equality of opportunities for and full participation of the disabled persons in the day to day life of the community.
 - It shall make it possible for the disabled person to enjoy a higher standard of living and to lead as decent, normal and full life as may be permitted by the extent of his or her disability.
 - The disabled person should be considered on par with fellow citizens of the country and should be able to freely use all community resources, resources provided by public utility concerns, take advantage of Government and other approved schemes for all citizens and have access to public utilities, buildings, transportation and other public facilities.
 - Member States shall, by Legislation, promote fundamental freedoms and human rights and ensure that on no account there is, at any level, any discrimination against or unfavourable or degrading treatment of disabled persons.
 - In enacting Legislation, Member States may be guided by the excellent Instruments of the United Nations and its Specialised Agencies.
 - Member States may ensure that the provisions of this Convention are made applicable to rural areas and remote communities and that appropriate rehabilitative facilities are made available to the disabled persons living in such remote rural areas.
 - Member States shall make every effort to eliminate the common causes leading to discrimination against the disabled and violations or abuses of fundamental freedoms and human rights.
 - Member States shall endeavour to spread through mass media the principles and provisions of national and international Instruments on Human Rights and work ceaselessly for creating community awareness and attitudinal changes.
- To observe non-discrimination against the disabled is not at all a very difficult thing for the community. All that is necessary is an attitudinal change. The poet William Wordsworth has so aptly put it :
- “The best portion of a good man’s life --
His little nameless, unremembered acts Of
kindness and love.”
- Again Peter Marshall has said, “Small deeds done are better than great deeds planned.” Let us all start by doing small deeds -- ensuring that there is no discrimination against the disabled in any of its forms.
- In the Appendices, only the Instruments adopted by the United Nations are printed. Since this Convention is a draft prepared by the author, based on similar other Conventions, using mainly the language used by the United Nations, it is printed in this Chapter. The author shall appreciate if the draft is discussed by the disabled and the N.G.O.s working with the disabled and is improved upon. He sincerely hopes that Member States may, at an early date, move the General Assembly of the United Nations to adopt a Convention Concerning Non-Discrimination Against Disabled Persons. That would make millions of disabled persons happy and ensure a more decent life with higher standards.

DRAFT CONVENTION CONCERNING NON-DISCRIMINATION AGAINST DISABLED PERSONS

[This is NOT a U.N. Instrument. It is a draft prepared by the author with a view to eliciting the opinion of the disabled and N.G.O.s working with the disabled.]

The General Assembly

NOTING that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women;

CONSIDERING that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

RECALLING its Resolution 31/123 of 16th December 1976, by which it proclaimed the year 1981 International Year Of Disabled Persons;

RECOGNISING that the International Year Of Disabled Persons, with its keynote theme "FULL PARTICIPATION AND EQUALITY", had contributed to the acceptance by the community of the right of disabled persons to participate fully in the social life and development of their societies and to enjoy living conditions equal to those of their fellow citizens;

BEARING IN MIND that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and freedoms set forth therein,

without distinction of any kind, including distinction based on sex;

CONVINCED that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of all human beings to enjoy all economic, social, cultural, civil and political rights;

CONSCIOUS of the fact that the disabled persons labour under a feeling of discrimination against them merely on the grounds of their physical, mental, functional, sensory or other disability;

AWARE that despite various instruments, extensive discrimination against disabled persons continues to exist and is being practised;

STRESSING that the primary responsibility for ensuring non-discrimination against disabled persons rests with the individual countries;

REQUESTS Member States to develop national plans for implementation and enforcement of non-discrimination against the disabled persons and for their full participation and equalisation of opportunities in the normal life of the community;

DETERMINED to implement the principles set forth in the Convention, requests Member States to adopt all measures required for the total elimination of discrimination in all its forms and manifestations, against disabled person;

CONSIDERING that adoption of certain appropriate standards for non-discrimination against disabled persons shall take the form of an International Convention;

ENCOURAGES the Secretary General to provide the Centre Of Social Development and Humanitarian Affairs with the necessary resources to enable the Centre to promote the objectives of this Convention and to facilitate its implementation by Member Countries;

ADOPTS this day of
of the year

the following Convention which may
be cited as

**CONVENTION CONCERNING NON-
DISCRIMINATION AGAINST
DISABLED PERSONS, 199 .**

PART I

DEFINITION AND SCOPE

Article 1

DISABLED PERSON

- (a) For the purposes of the present Convention, the term "disabled person" means any person unable to ensure by himself or herself wholly or partly the necessities of a normal individual and/or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities. The term also means an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment.

DISCRIMINATION

- (b) Discrimination means that a disabled person or persons with impairment, disability or handicaps are unfavoura-

bly treated or any distinction, exclusion or restriction is made or they are discriminated against in all its forms and are not treated on the basis of equality with other fellow citizens merely on the grounds of his or her disability in all or any of the aspects embracing the normal lives of all citizens and particularly in

- prevention and primary health care, medical treatment and assistance minimising the adverse effects of disability;
- basic adjustment to the disability and rehabilitation;
- admission to and equal treatment in educational, vocational, technical, commercial or any other type of training courses or institutions;
- opportunities for employment, rural employment, self-employment and economic security;
- in the matter of providing appropriate aids, appliances and equipment;
- providing access to all normal community facilities, community resources and benefits of all Government and other approved schemes;
- availing of the facilities provided by all public undertakings and utilities;
- all types of sports, games, recreational and cultural facilities;
- making possible full participation in the normal life of the community and enjoying equality of opportunities;
- a normal family and social life with opportunities for growth and total development and

- all human rights and fundamental freedoms in the enjoyment of political, economic, social, cultural, civil and other rights enshrined in the United Nations Universal Declaration Of Human Rights and various other instruments of the United Nations and its Specialised Agencies.

Article 2

States Parties to this Convention condemn discrimination against disabled persons in all its forms, agree to energetically pursue by all appropriate means and without delay a policy of totally eliminating discrimination against all categories of disabled persons of both the sexes and of any age and to this end undertake

- (a) To embody the principle of the equality of disabled persons and his fellow citizens in their national Constitutions and to ensure through law and other appropriate means, the practical realisation of the principles set out in this Convention;
- (b) To adopt appropriate legislative and other measures prohibiting all discrimination against disabled persons;
- (c) To refrain from engaging in any act or practice of discrimination against disabled persons and to ensure that public authorities and institutions shall act in conformity with this Convention;
- (d) To take all appropriate measures to eliminate discrimination and protect disabled persons against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature by any person, organization or enterprise;

- (e) To take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, stereotyped concepts and practices which continue discrimination in any form against disabled persons.
- (f) States Parties to this Convention and all its agencies at all levels assist disabled persons in their health care, total rehabilitation, development, growth, integration in normal life and in society;
- (g) States Parties to this Convention shall take in all fields, particularly in the political, social, economic, civic, civil and cultural fields, all appropriate measures, including legislation, to ensure the total rehabilitation and full development and advancement of disabled persons for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with fellow men;
- (h) States Parties to this Convention shall encourage disabled persons to participate in the formulation of Government policy and the implementation thereof and to hold public office and perform all public functions at all levels of Government; they shall also be enabled to participate in non-governmental organizations and associations concerned with the public and political life of the country;
- (i) The disabled persons shall also be afforded opportunities to represent their Governments at the international level and to participate in the work of international organizations;

- (j) The disabled persons shall enjoy the same opportunities to participate actively in all types of sports, games, recreational and cultural activities and physical education as his fellow citizens;
- (k) States Parties shall ensure that the provisions in this Convention are made fully applicable to the disabled of both the sexes living in rural and remote areas.

Part II

PRINCIPLES OF NON-DISCRIMINATION AGAINST DISABLED PERSONS

Article 3

The provisions of this Convention shall be applied by each Member State through legislative enactments and statutory and executive orders as may be appropriate to national conditions and consistent with national practice.

Article 4

Each Member State shall, in accordance with national conditions and practice, formulate, implement, periodically review, evaluate and enforce the national policy and plan on non-discrimination against disabled persons merely on the grounds of disability.

Article 5

The national policy and plan shall aim at ensuring appropriate rehabilitative measures, helping disabled persons in their physical and psychological adjustment to society, at promoting equality of opportunities and full participation of disabled persons, of their integration or reintegration

into society; promoting attitudinal changes, creating community awareness and at ensuring, by all possible means, the total rehabilitation, growth and development of disabled persons, ensuring economic security and a higher standard of living and ensuring that there is no discrimination so that they can lead as normal, decent and full a life as is feasible.

Article 6

The national policy shall be based on the principle of equality of opportunities between disabled persons and all other fellow citizens of the country generally. The human dignity and the worth of the disabled person shall be respected and he or she be given equal treatment and opportunities. The national policy should promote social progress and better standards of life in larger freedom for disabled persons. There shall be no discrimination against disabled persons and special positive measures aimed at promoting effective equality of opportunity and treatment between disabled persons and other citizens shall not be regarded as discriminating against other citizens.

Article 7

The representative national and state level organizations of and for disabled persons and other non-governmental organizations concerned shall be consulted on the formulation of the national policy and plan and also periodically consulted on the implementation and enforcement of the said national policy and plan, including measures to be taken to promote co-operation and coordination between public and private bodies engaged in promoting rehabilitation activities and ensuring non-discrimination against the disabled merely on the grounds of disability.

PART III

ACTION AT THE NATIONAL LEVEL FOR NON-DISCRIMINATION AGAINST DISABLED PERSONS

Article 8

Each Member State shall, by law, statutory and executive orders and rules and regulations or by any other method, consistent with national conditions and practice, take such steps as may be necessary to give effect to Articles 2, 3, 4, 5, 6 and 7 of this Convention.

Article 9

Each Member State shall, by legislation, promote fundamental freedoms and human rights; such legislation clearly specifying that no official or citizen shall, for any reasons whatsoever, practice discrimination against a disabled person merely on the grounds of disability. Such legislation shall also provide that a positive approach be taken to promote growth, development, total rehabilitation, integration or re-integration of the disabled person into society, ensuring higher standards of living and a decent and full normal life.

Article 10

The Member States shall take immediate measures to enact national legislation on the lines of the Human Rights Instruments and particularly on the lines of the following Instruments:

- Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights

- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention On The Elimination Of All Forms Of Discrimination Against Women
- Convention On The Rights Of The Child
- Declaration On The Rights Of Mentally Retarded Persons
- Declaration On The Rights Of Disabled Persons.

In enacting legislation, on the lines of the above and other relevant instruments, Member States may consult Non-Governmental Organizations Of and For the Disabled and make it abundantly clear in the laws that disabled persons are equal citizens of their country and are eligible and fully entitled to enjoy all human rights enshrined in the Constitution and the laws of the country and in international Human Rights Legislation.

Article 11

Human Rights are enforceable. There should be an adequate machinery for enforcement of Human Rights and Non-Discrimination against the Disabled.

Measures should be taken by Member States to set up appropriate machinery to review, monitor and evaluate the implementation and the enforcement of all Human Rights Instruments and National Legislation especially for disabled persons in the rural areas and remote communities -- and to set up exclusive regional Courts of Justice for ensuring enforcement of all Human Rights Legislation and for punishing gross and flagrant violations and abuses.

Article 12

Member States shall make every effort to eliminate the common causes leading to discrimination against the disabled and to violations and abuses of fundamental freedoms and human rights.

Article 13

Member States shall endeavour to spread, by sustained electronic and print mass media publicity campaigns, the principles and provisions of this Convention and of all standard setting national and international instruments on human rights. In launching such publicity campaigns, the disabled themselves shall be fully involved.

Article 14

Member States shall make all public, private and co-operative facilities as also facilities provided by public utilities totally barrier-free and ensure that communication and access is easily available to all disabled persons.

Article 15

For promoting human rights of the disabled and for ensuring non-discrimination against disabled persons, in all matters of monitoring and evaluation, information and public education, research, organizing world wide publicity campaigns and allied work, the United Nations Centre For Social Development And Humanitarian Affairs shall be the focal point and play a major role.

Part IV

FINAL PROVISIONS

Article 16

1. The formal ratification of this Conven-

tion by Member States shall be deposited with the Secretary General of the United Nations.

2. The Convention shall be binding upon all Member States whose ratification has been registered with the Secretary General of the United Nations.
3. The Convention will come into force twelve months after the date on which the ratification of two Members have been registered with the United Nations Secretary General.
4. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.
5. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary General of the United Nations.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force by an act communicated to the Secretary General of the United Nations for registration. Such denunciation should not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and thereafter

may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

1. The Secretary General of the United Nations shall notify all Member States of the registration of all ratifications and denunciations communicated to him by Member States.
2. When notifying the Member States of the registration of the second ratification communicated to him, the Secretary General shall draw the attention of the Member States of the date upon which the Convention will come into force.

Article 19

The Secretary General of the United Nations shall register, in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Article.

Article 20

At such times as he may consider necessary, the Secretary General shall present to the General Assembly of the United

Nations a report on the working of this Convention and shall examine the desirability of placing on its Agenda the question of its revision in whole or in part.

Article 21

Should the General Assembly adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authoritative.

CHAPTER X

STRENGTHEN THE UNITED NATIONS

Whatever the problems and the difficulties involved, there is no escape whatsoever from strengthening the United Nations and its specialised agencies. Lasting PEACE and human happiness can be ensured by working ceaselessly towards the realisation of the superb ideals enshrined in the Charter and the U.N. Instruments. Governmental and Non-Governmental Organizations - nay, mankind as a whole - can assist in the realisation of these superb ideals.

Of late, the scenario is changing very fast. The cold war appears to be a thing of the past. Recent developments at the international level augur well for frequent super summits and detente. Bi-lateral and multilateral dialogues and discussions are frequently resorted to and greatly help even people and politicians with differing political ideologies to understand the point of view of each other better. It also helps to reduce and or ease tensions; international and regional misunderstandings are lessened. The era of confrontation seems to have been replaced by positive and constructive co-operation and coordination. If we want peace, security and a healthy respect for human rights, international understanding and co-operation is a MUST. All nations must work for furthering democratization and the system of multi-party democracy. All round economic and social development must be speeded up. Human rights must be universally respected. Freedom - in the true sense of the word - would keep people happy and motivate them to work for socio-economic development and growth.

THE U.N. WORKS UNDER SEVERE CONSTRAINTS

The main constraint is that the U.N. has necessarily to depend on Member Countries for promoting and implementing the superb ideals enshrined in its Charter and in the excellent standard setting Instruments. The U.N. and its Specialised Agencies have to constantly work under severe financial and budgetary constraints. Here again, it has mainly to depend on a handful of affluent countries for financial assistance year after year. Imagine how very successful the UNICEF would be in reducing very substantially childhood mortality and eliminating major disability causing diseases in children if it had all the financial resources it needed to widely spread in remote rural areas the Expanded Immunization Programme! UNESCO, W.H.O., F.A.O., I.L.O. and almost all other Specialised Agencies work under similar financial constraints restricting even major activities such as prevention of disability and the rehabilitation of the disabled.

Countries - especially the affluent amongst them - spend billions on what they call Defence Preparedness and keep on producing sophisticated armaments and weapons of destruction. Even now, despite international instruments, poisonous nerve gas is being produced and even used. How wonderful it would be if all countries impose a five per cent cut on their defence budgets and make the funds so saved available for humanitarian work of the United

Nations? How much more could be achieved for all disadvantaged people, especially for children, women, the aged and infirm, refugees, migrants and for the disabled of all categories if ample financial resources are available for furthering and accelerating welfare and rehabilitation work?

I reproduce below an extract from an excellent article: "Forty Years on : A Continuing Need For Humanitarianism", written by His Excellency PRINCE Sadrudin Aga Khan, Co-Chairman of the Independent Commission on International Humanitarian Issues in the Special Issue of the Bulletin Of Human Rights printed by the United Nations in 1988 :

"Twenty million men, women and even children are part of the regular armed forces and over 100 million people are employed in defence related activities. The two Super-Powers today have armies six times larger than during the years prior to the Second World War. Globally, military spending amounts to some U.S.\$2 million per minute. Since 1945, we have enjoyed barely a handful of days of full peace on our planet; there are 25 major wars occurring right now and they have already caused the deaths of 3 million people, four-fifths of them civilians. The increasing vulnerability of non-combatants, and especially of women and children, is one of the tragedies of modern conflict."

FINANCIAL CONSTRAINTS OF MEMBER COUNTRIES

The Member Countries also have their own problems. The resources available are meagre. The problems facing such countries are colossal. Governments have their own priorities. Problems of prevention of disability and the rehabilitation of the disabled are not very high up in the list of priorities. The financial constraints on the developing countries are great. Even the super powers - hitherto considered affluent - are facing insur-

mountable problems. Economics of several countries are facing grave crisis. Recession appears round the corner. Spiralling inflation makes the situation worse. Unemployment is substantially on the increase. Life span is increasing. So do the numbers of the aged, the infirm and the disabled. The problems the world would be facing by 2000 A.D. and in the decades to follow would indeed be formidable - almost insurmountable. We must plan right from now on so as to contain the problems to manageable proportions. All planning could be upset by population explosion. Experts in various fields must plan well ahead so as to ensure that we are able to adequately face the formidable challenges in the decades ahead.

FREE MARKET ECONOMY

Some of the countries which had, for decades, concentrated on State controlled or planned economies have, in the light of their experience - and mainly because of the people's upsurge for true freedom - planned to switch over the country's crisis ridden economies to a free market system. Some consider the matter so urgent that a time frame has been laid down for switching over to the free market system. A time frame of 500 days is set by a Commission of Economic Experts in the Soviet Union headed by Prof. Stanislav Shatalin, the reputed economist. Whereas some economists feel that radical plans executed within a short time frame may bring chaos and misery to millions of citizens, others feel that time-bound switch over may lead - in due course of time - to the stabilisation of the economy. They prefer a speedy transfer to a market economy - to privatisation - despite the burdens such a switch over in ownership may entail.

Very often, economic crises lead to serious law and order problems. They need to be tackled promptly and effectively. The operation of the economy, budgeting,

financing, pricing, controlling inflation and public law and order maintenance are all linked - though rather remotely. Deteriorating conditions in industry and agriculture must be dealt with speedily, firmly and effectively. Economic reforms must also be properly thought of and carefully planned. A clear, well planned programme at a time of mounting shortages of food and other basic essentials and spiralling prices is essential to arrest social unrest.

There is no doubt that over centralised planning curbs individual and corporate initiatives. It also vitiates the economy, perpetuating imbalances. Creative and innovative approaches suffer. Often, economic problems are linked to current political issues. In switching over to free market economy, the mounting inflationary pressures, the need for subsidising food and fertilizers, the growing number of the unemployed, the adverse balance of payment - all similar factors have to be taken into consideration.

Privatisation in agriculture, in industry, in daily essentials, in almost all spheres of activities, a sudden change in ownership are not as simple as may appear. The risks and hazards have to be carefully considered and adequate safeguards provided for before switching over from State owned and controlled economy to a free market economy - especially when a time frame is prescribed. Even in a market economy, the State will have to retain control over key areas - energy, railways, communication, enterprises producing military equipment and so on.

Though a 500 days time frame is laid down, one cannot expect miracles. The path to a free market economy is long and hazardous. The pitfalls are many. But the process has necessarily to be gone through some time or the other. The sooner the better, if the

economy is to be totally re-structured. It may not be possible to adhere to the time-frame. So what? Once a beginning is made - no matter howsoever small - in course of time rapid progress could be achieved. But bearing in mind the upsurge towards freedom in people every where, a free market economy also appears inevitable. Democratization and promoting humanisation of international relations and co-operation in the matter of human rights is the best way of realisation of the ideals enshrined in the Charter and the U.N. Instruments. Good luck and God speed!

HUMANITARIAN LAWS

The international community - the United Nations - are reputed for proclaiming several superb instruments in the nature of binding international humanitarian laws which are enforceable once the countries ratify the instruments or accede to them. However, there is substantial delay in ratifying these instruments or acceding to them. Since most regions are in a disturbed state and some in a state of crisis, it is wise for countries to ratify these Conventions, Covenants, and the Protocols thereto at the earliest. The concepts and the principles spelled out in these instruments need to be widely dis-seminated.

Several countries have included the principles set out in the Universal Declaration Of Human Rights and other Instruments in their Constitutions. Even though the U.N. Instruments may not have been ratified or acceded to by countries, the principles have become rules of customary international law and have acquired mandatory force. The law courts would respect these rights based on principles of equity and justice.

To be realistic, one must accept the fact that several of the human rights aspirations set out in the U.N. Instruments remain

unrealised even now, if a global view is taken. Education of the masses and creating community awareness and attitudinal changes by dissemination of information on human rights Instruments is the best and the quickest method of realising the ideals enshrined in the U.N. Charter and the standard setting Instruments.

Article 1 of the Statute of Amnesty International states that the organisation's purpose is "to secure throughout the world the observance of the provisions of the Universal Declaration Of Human Rights". Some experts consider the Universal Declaration as "the greatest document in human history". All Governmental and Non-Governmental

Organizations working with the disabled - nay, all mankind the world over - must make it a point to work for universally securing the observance of the provisions of the greatest document in human history - The Universal Declaration Of Human Rights.

I will close by quoting from a Zoroastrian Yasna. It emphasises : "Blessed is the hand that works and blessed the mind that wills it. Life is elevated where vigorous and honest work is associated with it." Let all mankind work honestly and vigorously to promote HUMAN RIGHTS.

Thank you.

APPENDIX A

THE CONVENTION ON THE RIGHTS OF THE CHILD

PREAMBLE

The States Parties to the present Convention,

CONSIDERING that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

BEARING in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

RECOGNIZING that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

RECALLING that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

CONVINCED that the family, as the fundamental group of society and the natural

environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

RECOGNIZING that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

CONSIDERING that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

BEARING in mind that the need for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations in 1959 and recognised in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

BEARING in mind that, as indicated in the Declaration of the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1959, "the child, by reason of his/her physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,"

RECALLING the provisions of the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly resolution 41/85 of 3 December 1986); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (General Assembly resolution 40/33 of 29 November 1985); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly resolution 3318 (XXIX) of 14 December 1974),

RECOGNIZING that in all countries in the world there are children living in exceptionally difficult conditions, and that such children need special consideration,

TAKING due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

RECOGNIZING the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows :

PART I

Article 1

For the purposes of the present Convention, a child means every human being

below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. The States Parties to the present Convention shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in this Convention. In regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by the local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the

parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and

expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 2, States Parties shall respect the right of the child and his or her parents to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) for respect of the rights or reputations of others; or
 - (b) for the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her rights in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and

physical and mental health. To this end, States Parties shall :

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, States Parties shall render appropriate assistance to parents

and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, Kafala of Islamic Law, adoption, or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties which recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall :

- (a) ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) recognize that intercountry adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) ensure that the child concerned by inter country adoption enjoys safe-

guards and standards equivalent to those existing in the case of national adoption;

- (d) take all appropriate measures to ensure that, in inter country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) promote, where appropriate, the objectives of this article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in this Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in

order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the

fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote in the spirit of international co-operation the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures :
 - (a) To diminish infant and child mortality,
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care,

(c) To combat disease and malnutrition including within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution,

(d) To ensure appropriate pre- and post-natal health care for mothers,

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of, basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents,

(f) To develop preventive health care, guidance for parents, and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living, necessary for the child's development.

3. States Parties in accordance with national conditions and within their

means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular :

- (a) make primary education compulsory and available free to all;
- (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) make higher education acces-

sible to all on the basis of capacity by every appropriate means;

- (d) make educational and vocational information and guidance available and accessible to all children;
- (e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and ill-literacy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to :
 - (a) the development of the child's personality, talents, and mental and physical abilities to their fullest potential;
 - (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

- (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

- (e) the development of respect for the natural environment.

2. No part of this article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of this article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular :
 - (a) provide for a minimum age or minimum ages for admissions to employment;
 - (b) provide for appropriate regulation of the hours and conditions of employment; and
 - (c) provide for appropriate penalties or other sanctions to

ensure the effective enforcement of this article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent :

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child

against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that :

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re-integration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of

every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and desirability of promoting the child's re-integration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that :

- (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions which were not prohibited by national or international law at the time they were committed;
- (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees :

- (i) to be presumed innocent until proven guilty according to law;

- (ii) to be informed promptly and directly of the charges against him or her, and if appropriate through his or her parents or legal guardian, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

- (iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) if considered to have infringed the penal law, to have his decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) to have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) to have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular :
- (a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in :

- (a) the law of a state party ; or
- (b) international law in force for that state.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.
 10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
 11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
 12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.
2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
 3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1 (b) repeat basic information previously provided.
 4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
 5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.
 6. States Parties shall make their reports widely available to the public in their own countries.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights :
 - (a) within two years of the entry into force of the Convention for the State Party concerned,
 - (b) thereafter every five years.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention;

- (a) The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Com-

mittee may invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, UNICEF and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.
- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

- 1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

- 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one-third of the States Parties favour such a conference, the Secretary-General

shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect ad-

ressed to the Secretary-General of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depository of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at New York this 20th day of November 1989.

APPENDIX B

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of

human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW THEREFORE THE GENERAL ASSEMBLY PROCLAIMS THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all people and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex, language, religion, political or

other opinion, national or social origin, property, birth or other states.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.

- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others.

- (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21

- (1) Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms everyone shall be subject only to

such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX C

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

CONSIDERING that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

RECOGNISING that, these rights derive from the inherent dignity of the human person,

RECOGNISING that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

CONSIDERING the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

REALISING that, the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognised in the present Covenant,

Agree upon the following articles:

PART I

Article 1

- 1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principles of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.
- 3) The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

- 1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially

economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including, particularly, the adoption of legislative measures.

- 2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 3) Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognised in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognise that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only, to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

- 1) Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedom recognised herein, or at their limitation to a greater extent than is provided for in the present Covenant.
- 2) No restriction upon or derogation from any of the fundamental human rights recognised or existing in any country by virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognise such rights or that it recognises them to a lesser extent.

PART III

Article 6

- 1) The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
- 2) The steps to be taken by a State Party to the present Covenant to achieve the full realisation of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a) Remuneration, which, provides all workers, at a minimum, with:
 - i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women, being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b) Safe and healthy working conditions;
- c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to considerations other than those of seniority and competence;
- d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

- 1) The States Parties to the present Covenant undertake to ensure:
 - a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his eco-

nomic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

- b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organisations;
 - c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or, for the protection of the rights and freedoms of others;
 - d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
- 2) This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
 - 3) Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the right to organise to take legislative measure which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognise that:

- 1) The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and, while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
- 2) Special protection should be accorded to mothers for a reasonable period, before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
- 3) Special measures of protection and assistance should be taken on behalf of all children and young persons, without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work, harmful to their morals or health or, likely to hamper their normal development should be punishable by law. States should also set age limits, below which the paid employment of child labour should be prohibited and made punishable by law.

Article 11

- 1) The States Parties to the present Covenant recognise the right of everyone

to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.

- 2) The States Parties to the present Covenant, recognising the fundamental right of everyone to be free from hunger, shall undertake, individually and through international co-operation, measures, including specific programmes, which are needed:

- a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources;
- b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

- 1) The States Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2) The steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for:

- a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;
- b) The improvement of all aspects of environmental and industrial hygiene;
- c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- d) The creation of conditions which would assure all medical services and medical attention in the event of sickness.

Article 13

1) The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2) The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right:

a) Primary education shall be compulsory and available free to all;

b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral

education of their children in conformity with their own convictions.

- 4) No part of this article shall be construed so as to interfere with the liberty of individuals and bodies, to establish and direct educational institutions, subject always, to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

- 1) The States Parties to the present Covenant recognise the right of everyone:
 - a) To take part in cultural life;
 - b) To enjoy the benefits of scientific progress and its applications;
 - c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

- 2) The steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
- 3) The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
- 4) The States Parties to the present Covenant recognise the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

- 1) The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant, reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognised herein.
- 2)
 - a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
 - b) The Secretary-General of the United Nations shall also transmit to the specialised agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present

Covenant which are also members of these specialised agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

- 1) The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialised agencies concerned.
- 2) Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
- 3) Where relevant information has previously been furnished to the United Nations or to any specialised agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialised agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include par-

ticulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialised agencies in accordance with Article 18.

Article 20

The States Parties to the present Covenant and the specialised agencies concerned may submit comments to the Economic and Social Council on any general recommendation under Article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly, reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialised agencies on the measures taken and the progress made in achieving general observance of the rights recognised in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialised agencies concerned with furnishing technical assistance any matter

arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognised in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organised in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialised agencies which define the respective responsibilities of the various organs of the United Nations and of the specialised agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilise fully and freely their natural wealth and resources.

PART V

Article 26

- 1) The present Covenant is open for signature by any State Member of the United Nations or member of any

of its specialised agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

- 2) The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3) The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
- 4) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5) The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it, of the deposit of each instrument of ratification or accession.

Article 27

- 1) The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
- 2) For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

- 1) Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate to the States Parties any proposed amendments to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event where at least one-third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and the voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2) Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

- 3) When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars.

- a) Signatures, ratifications and accessions under article 26;
- b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

- 1) The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2) The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in Article 26.

APPENDIX D

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

CONSIDERING that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

RECOGNISING that, these rights are derived from the inherent dignity of the human person;

RECOGNISING that, in accordance with the Universal Declaration of Human Rights, the ideal of free human being, enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby, everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights;

CONSIDERING the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms;

REALISING that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognised in the present Covenant;

Agree upon the following articles:

PART I

Article 1

- 1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
- 3) The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

- 1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2) Where, not already provided for by existing legislative or other measures, State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognised in the present Covenant.
- 3) Each State Party to the present Covenant undertakes:
 - a) To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State,

and to develop the possibilities of judicial remedy;

- c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

- 1) In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that, such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
- 2) No derogation from articles 6,7,8 (paragraphs 1 and 2), 11,15,16 and 18 may be made under this provision.
- 3) Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the

same intermediary, on the date on which it terminates such derogation.

Article 5

- 1) Nothing in the present Covenant may be interpreted as implying, for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognised herein or at their limitation to a greater extent than as provided for in the present Covenant.
- 2) There shall be no restriction upon or derogation from any of the fundamental human rights recognised or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognise such rights or that it recognises them to a lesser extent.

PART III

Article 6

- 1) Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of his life.
- 2) In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3) When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorise any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

- 4) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
- 5) Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
- 6) Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

- 1) No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
- 2) No one shall be held in servitude.
- 3) a) No one shall be required to perform forced or compulsory labour;

b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

ii) Any service of a military character and, in countries where conscientious objection is recognised, any national service required by law of conscientious objectors;

iii) Any service exacted in cases of emergency or calamity, threatening the life or well-being of the community;

iv) Any work or service which forms part of normal civil obligations.

Article 9

1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of the charges against him.

3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or any other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be a general rule that persons awaiting trial shall be detained in custody but release may be subject to guarantees to appear for trial, at any stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

- 1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- 2)
 - a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
 - b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
- 3) The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

- 1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 2) Everyone shall be free to leave any country, including his own.
- 3) The above-mentioned rights shall not

be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the present Covenant.

- 4) No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien in the territory of a State Party to the present Covenant may be lawfully expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

- 1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or of his rights and obligations in a suit of law, everyone shall be entitled to a fair public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or, when the interest of the private lives of the parties so requires or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but

any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

a) To be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him;

b) To have adequate time and facilities for the preparation of his defence and to communicate with a counsel of his own choosing;

c) To be tried without undue delay;

d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

e) To examine, or have examined,

the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

g) Not to be compelled to testify against himself or to confess guilt.

4) In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5) Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6) When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the known fact in time is wholly or partly attributable to him.

7) No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

- 1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
- 2) Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which at the time when it was committed, was criminal according to the general principles of law recognised by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

- 1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence nor to unlawful attacks on his honour and reputation.
- 2) Everyone has the right to the protection of the law against such interference or attacks.

Article 18

- 1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include free-

dom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

- 2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- 3) Freedom to manifest one's religion or beliefs may be subject only to such limitations, as are prescribed by law, and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.
- 4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

- 1) Everyone shall have the right to hold opinions without interference.
- 2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- 3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to

certain restrictions, but these shall only be such as are provided by law and are necessary:

- a) For respect of the rights or reputations of others;
- b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

- 1) Any propaganda for war shall be prohibited by law.
- 2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and, which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of rights and freedoms of others.

Article 22

- 1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
- 2) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic

society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

- 3) Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise, to take legislative measure which would prejudice, or apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

- 1) The family is the natural and fundamental group-unit of society and is entitled to protection by society and the State.
- 2) The right of men and women of marriageable age to marry and to found a family shall be recognised.
- 3) No marriage shall be entered into without the free and full consent of the intending spouses.
- 4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of the children.

Article 24

- 1) Every child shall have, without any discrimination of race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
- 2) Every child shall be registered immediately after birth and shall have a name.
- 3) Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and, guarantee to all persons equal and

effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

- 1) There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions provided for hereinafter.
- 2) The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognised competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
- 3) The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

- 1) The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and

nominated for the purpose by the States Parties to the present Covenant.

- 2) Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
- 3) A person shall be eligible for renomination.

Article 30

- 1) The initial election shall be held not later than six months after the date of the entry into force of the present Covenant.
- 2) At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
- 3) The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
- 4) Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two-thirds of the States Parties to the present

Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

- 1) The Committee may not include more than one national of the same State.
- 2) In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilisation and of the principal legal systems.

Article 32

- 1) The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
- 2) Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

- 1) If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify

the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

- 2) In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

- 1) When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
- 2) The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
- 3) A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

- 1) The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
- 2) After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
- 3) The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in an open committee that he will perform his functions impartially and conscientiously.

Article 39

- 1) The Committee shall elect its officers for a term of two years. They may be re-elected.
- 2) The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - a) Twelve members shall constitute a quorum;
 - b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

- 1) The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made in the enjoyment of those rights:
 - a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - b) Thereafter, whenever the Committee so requests.
- 2) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
- 3) The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialised agencies concerned, copies of such parts of the reports as may fall within their field of competence.

- 4) The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
- 5) The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

- 1) A State Party to the present Covenant may at any time declare under this article that it recognises the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognising in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
 - a) If a State Party to the present Covenant considers that, another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring

- the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing, clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
- b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and the other State;
 - c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognised principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
 - d) The Committee shall hold closed meetings when examining communications under the article;
 - e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognised in the present Covenant.
- f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information;
 - g) The States Parties concerned, referred to in sub-paragraph (b) shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
 - h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:
 - i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - ii) If a solution within the terms of sub-paragraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter,

the report shall be communicated to the States Parties concerned.

- 2) The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

- 1) a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

- b) The Commission shall consist of five persons, acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the member of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

- 2) The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State, not party to the present Covenant, or of State Party which has not made a declaration under article 41.
- 3) The Commission shall elect its own Chairman and adopt its own rules of procedure.
- 4) The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
- 5) The secretariat provided in accordance with article 36 shall also service the Commissions appointed under this article.
- 6) The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States

Parties concerned to supply any other relevant information.

- 7) When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
- a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
 - b) If an amicable solution to the matter on the basis of respect for human rights as recognised in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
 - c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;
 - d) If the Commission's report is submitted under sub-paragraph (c), the State Parties concerned shall, within three months of the receipt of the report, notify

the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

- 8) The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.
- 9) The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
- 10) The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc Conciliation Commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by, or under the constituent instruments and the conventions of the United Nations and of the specialised agencies, and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute, in accordance with general or

special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialised agencies which define the respective responsibilities of the various organs of the United Nations and of the specialised agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilise fully and freely their natural wealth and resources.

PART VI

Article 48

- 1) The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialised agencies, by any State Party to the Statute of the International Court of Justice, and, by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
- 2) The present Covenant is subject to

ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

- 3) The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
- 4) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5) The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it, of the deposit of each instrument of ratification or accession.

Article 49

- 1) The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
- 2) For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of Federal States without any limitations or exceptions.

Article 51

- 1) Any State Party to the present Covenant may propose an amendment

and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one-third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

- 2) Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
- 3) When amendments come into force, they shall be binding on those States Parties which have accepted them,

other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars :

- a) Signature, ratifications and accessions under article 48;
- b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

- 1) The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2) The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

APPENDIX E

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The States Parties to the present Protocol

CONSIDERING that in order to further achieve the purpose of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in Part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant;

Have agreed as follows :

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognises the competence of the Committee to receive and consider, communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been

violated, and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible, any communication under the present Protocol which is anonymous, or, which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communication submitted to it under the present Protocol to the attention of the State Party, alleged to be violating any provision of the Covenant.
2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

- 1) The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

- 2) The Committee shall not consider any communication from an individual unless it has ascertained that:

- a) The same matter is not being examined under another procedure of international investigation or settlement;
- b) The individual has exhausted all available domestic remedies.

This shall not be the rule where the application of the remedies is unreasonably prolonged.

- 3) The Committee shall hold closed meetings when examining communications under the present Protocol.
- 4) The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960, concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international Conventions and instruments under the United Nations and its specialised agencies.

Article 8

- 1) The present Protocol is open for signature by any State which has signed the Covenant.
- 2) The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3) The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.
- 4) Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5) The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

- 1) Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.
- 2) For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of Federal States without any limitations or exceptions.

Article 11

- 1) Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2) Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
- 3) When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

- 1) Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.
- 2) Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notification made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- a) Signatures, ratifications and accessions under article 8;
- b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

Article 14

- 1) The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2) The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

APPENDIX F

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

PREAMBLE

The States Parties to the present Convention,

NOTING that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

NOTING that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

NOTING that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

CONSIDERING the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

NOTING ALSO the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women.

CONCERNED, however, that despite these various instruments extensive

discrimination against women continues to exist,

RECALLING that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

CONCERNED that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

CONVINCED that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

EMPHASIZING that the eradication of APARTHEID, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

AFFIRMING that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of

their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

CONVINCED that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

BEARING IN MIND the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

AWARE that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

DETERMINED to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

HAVE AGREED on the following :

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b) To adopt appropriate legislative and other measures including sanctions where appropriate, prohibiting all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States parties shall take all appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular, to ensure, on a basis of equality of men and women:

- a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d) The same opportunities to benefit from scholarships and other study grants;
- e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

- f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g) The same opportunities to participate actively in sports and physical education;
- h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular :

- a) The right to work as an inalienable right of all human beings;
- b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- d) The right to equal remuneration, including benefits, and to equal treatment in respect of

work of equal value, as well as equality of treatment in evaluation of the quality of work;

- e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work as well as the right to paid leave;
- f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on basis of marital status;
- b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular, through promoting the establishment and development of a network of child-care facilities;

- d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

- 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
- 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular :

- a) The right to family benefits;
- b) The right to bank loans, mortgages and other forms of financial credit;
- c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

- 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.
- 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right :
 - a) To participate in the elaboration and implementation of development planning at all levels;
 - b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - c) To benefit directly from social security programmes;
 - d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - e) To organize self-help groups and co-operatives in order to obtain equal access to economic

opportunities through employment or self-employment;

- f) To participate in all community activities;
- g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of

persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a) The same right to enter into marriage;
 - b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c) The same rights and responsibilities during marriage and at its dissolution;
 - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

- g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination Against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
 3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
 4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
 5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect :

a) Within one year after the entry into force for the State concerned; and

b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general

ommendations shall be included in report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a) In the legislation of a State Party; or
- b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those

parties may refer the dispute to the International Court of Justice at the request in conformity with the rules of the Court.

2. Each State Party may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

REFERENCES

The author is deeply grateful for the excellent material in the following references :

1. The Superb Standard Setting Human Rights Instruments of the United Nations and its Specelised Agencies.
2. United Nations Action In The Field Of Human Rights printed on the occasion of the 40th Anniversary of the Universal Declaration Of Human Rights, 1948-88.
3. Bulletin Of Human Rights, United Nations, March 1989.
4. For Fundamental Human Rights Published by the Department of Public Information, United Nations.
5. HUMAN RIGHTS -- World Public Information Campaign. Human Rights Fact Sheet Series.
6. HUMAN DIGNITY -- Respect and Consideration for Mentally Disabled Adults. The National Swedish Board of Health and Welfare.
7. Human Rights Aspects of Population Programmes -- UNESCO.
8. The State of the World's Children, 1990 -- UNICEF.
9. The Economist -- World Human Rights Guide -- Originated and Compiled by Charles Humana.
10. The Human Rights Handbook -- A Guide to British and American International Human Rights Organizations complied by Writers and Scholars Educational Trust.
11. International Statements on Disability Policy published by Rehabilitation International.

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Mlle. ANTOINETTE KAZAN
LEBANON

Some Opinions On

"UNITED NATIONS CONCERN FOR THE DISABLED"

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With your characteristic thoroughness and enthusiasm, you have given to disabled people throughout the world, and all those organizations which exist to serve them, an incomparably useful book with which to pursue the common objective of enabling the handicapped to assume their rightful place in society.

ERIC T. BOUITER

Honorary Life Member,

World Council for the Welfare of the Blind

Over the years, the book will prove to be a most valuable source of reference in our work. You are greatly to be congratulated both upon the basic idea of compiling such a work and upon the method of its realisation.

DUNCAN A. WATSON

Royal National Institute For The Blind, U.K.

This is indeed a most interesting and helpful book, invaluable to all who are involved in the rehabilitation of the disabled.

L. STUMPF

Director,

Hongkong Society For The Blind

The book is concise but very comprehensive and readable. It provides a wealth of information that is most usable. Your concern for and commitment to our world's disabled people is an inspiration and hope to me.

Ms. CLAUDE A. MYER

Director,

Department of Human Resources,

State of North Carolina

I wish to congratulate you on the splendid work you have done in preparing this publication which certainly deserves a wide circulation throughout the world.

SAM I. NIWA,

Chief, Vocational Rehabilitation,

International Labour Office, Geneva